

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Speaker Granberg: "The hour of 1:00 having arrived, the House will come to order. Members shall be in their seats. All unauthorized personnel should remove themselves. We will be led in prayer today by Sister Rose Marie with Sisters of Charity of the Blessed Virgin Mary in Aurora. Sister Rose Marie is the guest of Representative Suzanne Deuchler. Guests in the Gallery may wish to rise for the invocation."

Sister Rose Marie: "Let us pray. Loving God, we know that You are a God who hears the cry of the poor. Reach out to the men and women who serve us in this Chamber. And help them like You, to be people who hear and listen to and heed the cry of the poor. Search out Loving God, that within each of them, that is most good about them. Touch them with Your spirit, so that goodness grows and becomes part of the core of who they are. Take that goodness of theirs and expand it and make their goodness a place of shelter for the poor, for the homeless, for the stranger in our land. Help them to become Your voice. Help them together to be a voice for those who are voiceless, to speak for those who cannot speak for themselves. Help them to see that homelessness and injustice and poverty come to an end in our state and in our land. Speak to them and speak through them. And bless them for the goodness that is within them. Amen."

Speaker Granberg: "We'll be led in the Pledge of Allegiance by Representative John Turner."

Turner, John: "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Speaker Granberg: "Roll Call for Attendance. On the order of Cross."

Cross: "Mr. Speaker, before we get to excused absences I just

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

want to thank you, for bringing Representative Turner back. He had a rough day yesterday and the opportunity to give the pledge today makes him feel like a new human being. And you're a sensitive man and we appreciate that. And no one's absent on our side of the aisle. Thank you."

Speaker Granberg: "Thank you, Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker. Let the record show that Representative Kotlarz is excused today."

Speaker Granberg: "There being 117 Members present, the House will come to order. The House is hereby convened. Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative Deering, Chairman from the Committee on Transportation to which the following Bills and Resolutions were referred. Action taken on April 9, 1997, reported the same back with the following recommendations: 'do pass Short Debate' Senate Bill 8."

Speaker Granberg: "Mr. Clerk, what is the status of House Bill 1004?"

Clerk Bolin: "House Bill 1004 is on the Calendar Order of House Bills, Third Reading."

Speaker Granberg: "Return it to Second. Take that Bill out of the record, Mr. Clerk. Ladies and Gentlemen, if you have Bills that are on Third Reading that you would like to bring back to Second, please notify the Clerk. Give us your Bill number and file that with the Clerk or Deputy Clerk, in the Well. So, we can compile a list for later this afternoon, to make sure those Bills are brought back for purposes of Amendments. So, if you have Bills on Third Reading, that you would like to have brought back to Second file that request with the Clerk. House Bills - Second Reading, appears House Bill 8, Representative Moffitt. Representative Moffitt, do you wish to move that Bill to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Third Reading, House Bill 8? Out of the record. House Bill 32, Representative Dart. Is the Gentleman in the Chamber? Representative Dart. Mr. Black, is that a press conference, with Mr. Lang? House Bill 113, Representative Novak. Is Representative Novak in the Chamber? Representative Novak. Out of the record. House Bill 126, Representative Santiago. Representative Santiago. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 126."

Speaker Granberg: "Out of the record. House Bill 128, Representative Lopez. Does the Gentleman wish to move that Bill? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 128, a Bill for an Act to amend the School Code. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Granberg: "Third Reading. House Bill 135, Representative Gash. Representative Lauren Gash. Is the Lady in the Chamber? Out of the record. House Bill 143, Representative Davis. Representative Steve Davis. Out of the record. House Bill 147, Representative Davis. Representative Davis. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 147, a Bill for an Act in relation to higher education. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments."

Speaker Granberg: "Third Reading. House Bill 152, Representative Fritchey. Is the Gentleman in the Chamber? Representative Fritchey. Out of the record. House Bill 156, Representative Lopez. Edgar, do you wish to move your Bill to Third Reading, (sic-House Bill) 156? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 156, a Bill for an Act to amend the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Unified Code of Corrections. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. The Lady from Cook, Representative Monique Davis. For what reason do you rise?"

Davis, M.: "Mr. Speaker, I thank you for this opportunity. I would just like to alert the Body that we have a very special guest. An, extremely, special guest, who will be speaking to this Body in about five minutes. So, we just wanted to alert the Legislature that within about five minutes, a very special guest will be taking the Podium, and addressing the General Assembly. Thank you, Sir."

Speaker Granberg: "Thank you, Ma'am. House Bill 168, Representative Lang. Out of the record. House Bill 187, Representative McKeon. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 187, a Bill for an Act to amend the Election Code. Second Reading of this House Bill. Amendments 1 and 2 were Adopted in Committee. No Motions filed. No Floor Amendments."

Speaker Granberg: "Third Reading. House Bill 207, Representative Ronen. Representative Carol Ronen. Is the Lady in the Chamber? Out of the record. House Bill 213, Representative Brunsvold. Representative Brunsvold. Out of the record. House Bill 232, Representative Gash. Has the Lady returned? Out of the record. House Bill 271, Representative Bugielski. Is the Gentleman in the Chamber? Out of the record. House Bill 314, Representative Boland. Mr. Boland, do you wish to move the Bill to Third Reading?"

Boland: "No."

Speaker Granberg: "Out of the record. House Bill 408, Representative Santiago. Out of the record. House Bill 409, Representative Santiago. Do you wish to move that

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Bill to Third Reading? (sic-House Bill) 409. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 409, a Bill for an Act to amend the Illinois Pension Code and State Mandates Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 410, Representative Ryder. Representative Ryder, do you wish to move that Bill? Out of the record. House Bill 411, Representative Lopez. Representative Lopez. Is the Gentleman in the Chamber? Out of the record. House Bill 424, Representative Ricca Slone. Representative, do you wish to move the Bill to Third Reading? Out of the record. House Bill 425, Representative Cross. Representative Cross. Is the Gentleman... (sic-House Bill) 425, Tom. Out of the record. House Bill 427, Representative Saviano."

Saviano: "Mr. Speaker, I have a question. Yesterday I filed a technical Amendment for this Bill. Do we know when we'll be meeting on that?"

Speaker Granberg: "Rules Committee will meet this afternoon, Representative."

Saviano: "Okay, cause I have this as one of my Agreed Bills. I'd just like to get it done as soon as possible."

Speaker Granberg: "Yours will be the first Amendment heard."

Saviano: "Thank you."

Speaker Granberg: "House Bill 473, Representative Capparelli. Representative Capparelli, do you wish to move that Bill to Third Reading, Sir? Out of the record. House Bill 513, Representative Smith. Representative Smith. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 513, a Bill for an Act in relation to dies and molds. Second Reading of this House Bill. No

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Mr. Smith, did you want to move the Bill to Third Reading? Or would you like to take it out of the record?"

Smith: "Question, Mr. Speaker. Is the Amendment... there's an a Amendment been filed? I apologize. Take it out of the record."

Speaker Granberg: "Out of the record. We'll hold the Bill on Second, Mr. Clerk. House Bill 522, Representative Bugielski. (sic-House Bill) 522. Out of the record. Mr. Clerk, House Bill 408, read the Bill."

Clerk Rossi: "House Bill 408, a Bill for an Act amending the Hospital Licensing Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 525, Representative Leitch. Representative Leitch, the Peoria State Champions. Out of the record. House Bill 541, Representative Hartke. Representative Hartke. Out of the record. House Bill 556, Representative Woolard. Larry Woolard, (sic-House Bill) 556, Larry. Would you like to move the Bill? Out of the record. House Bill 557, Representative Saviano. (sic-House Bill) 557, Representative. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 557, a Bill for an Act amending the Physician Assistants Practice Act of 1987. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions filed. No Floor Amendments."

Speaker Granberg: "Third Reading. House Bill 561, Representative Bergman. Representative Bergman. Out of the record. House Bill 566, Representative Giles. Representative Calvin Giles. Is the Gentleman in the Chamber? Out of the record."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

House Bill 573, Representative Hannig. Gary, do you wish to move (sic-House Bill) 573 to Third? Out of the record. House Bill 596, Representative Zickus. Representative Anne Zickus. Out of the record. House Bill 605, Representative Brunsvold. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 605, a Bill for an Act in relation to taxes. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions filed. No Floor Amendments."

Speaker Granberg: "Third Reading. House Bill 609, Representative Kenner. Is the Gentleman in the Chamber? Representative Kenner. Out of the record. House Bill 615, Representative Flowers. Out of the record. House Bill 619, Representative Currie. Representative Barbara Currie. Out of the record."

Speaker Madigan: "Ladies and Gentlemen, if we could come to order. If the staff would retire to the rear of the Chamber. We're very pleased to have a special guest with us today. So if the Members would please take their chairs. As I said, we're very pleased to have a very special guest with us today. Reverend Jesse Jackson has dominated American life for several years. Very active participant in contests for the presidency. Played a very active role in the affairs of the District of Columbia. And is interacted at a very high level with personalities, not only in America, but all over the world. He has come here today, because he has... he's come here in part, because of the education rally. But then there are several other matters that he wishes to discuss with us. And so I would appreciate it if everyone would give Reverend Jesse Jackson, their attention. Reverend Jackson."

Reverend Jackson: "Thank you. Thank you so much. Let me express my thanks to Speaker Madigan, to you distinguished Members

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

of this historic House, to those who gather today in this great place of public service. Before sharing my observations I want to, I ask that we pray, yesterday for Judge Miller in his Chamber in Champaign, the attempt to terrorize the Judge and disrupt the judicial process. We pray for the Judge and judges everywhere who face that danger. Congressman Charles Hayes, who many of you knew as a distinguished public servant, International Vice-President of the Meat Cutters, and then the Food and Commercial Workers, and then a U.S. Congressman. Congressman Hayes died last night. For Lenard Harris, who is in a Chicago hospital injured, severely beaten, left to die, and for Girl 'X'. For our children who are in pain and jeopardy everywhere, let us bow our heads and pray. Accept our petition, we are Your people and You're our God. Forgive us for our sins, and for the foolishness of our ways. Incline us to tear down walls and to build bridges. To go forward by hope and healing, and not backwards by hurt and hate and hysteria. If You find any evidence of racism, or sexism, or anti-Semitism, or anti-Hispanicism, or Asian-bashing, or homophobia, or meanness, remove it and make us more fit vessels today. Bless our Governor. Bless both Houses. Across the lines of divide of race, of party or sex or religion, let us find common ground. Yes, even our brothers and sisters in Minnesota and the Dakotas today, who face the ravages of a flood, be with them. Let us leave this place willing to take our light into dark places, and our heat into cold places. We know if we have the faith, You have the power to see us through, Amen. Out front are two statues, one of Abraham Lincoln, who said to us, 'A house divided against itself cannot stand.' A statue of Doctor King, who essentially stood for four basic

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

principles: racial justice, racial reconciliation, equal opportunity or a floor beneath which no American would fall, and world peace. Today there are thousands of citizens outside of this door who are petitioning you, urging you, begging you to embrace the American Dream and make it real in law and practice. The American Dream is the dream of one big tent, and under that one big tent equal protection under the law, equal opportunity, equal access, and fair share. So many Americans are outside the tent in the margins, are beneath the tent but less than the promises of the great American Dream. I believe that we should honor the premise of equal opportunity, but beyond that superior effort and character education and high standards, because we cannot live by bread alone. There are spiritual, ethical values that transcend even those great premises. In light of what has happened, in our state recently and around the country whether Aberdeen, or whether Fort Bragg, or whether what happened to Lenard Clark I appeal to the Governor today, to Speaker Madigan, to Senator Jones and others of them, for us to form a state version of Koerner Commission Report. A kind of serious study analysis with remedies on the matter of racial justice, gender equality, and domestic peace. Because we must learn to live together as brothers and sisters and know what ails us. Today we exist in what Jonathan Kozol calls a kind of savage inequality. I went to a school in Robbins not long ago. A school about 45% black, about 45% Hispanic and not one Hispanic teacher. Not one Hispanic teacher. They would get Hispanics off the street just to talk Spanish with them, and these are America's children. Savage inequality, go a little further into East St. Louis and look at the gap, or rural Illinois, look at the gap.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

While there is a predisposition in looking the race gap, and it is growing wider, perhaps the widest since 1954. The class gap is even greater. The have have not gap is even greater. Three thousand dollars a year for a sizeable number of our students in this state and 16 thousand for others. Glenbrook South 96% graduates go to college, 98% graduate. Average teacher pay \$65 thousand. A stable teaching force, a planetarium, Olympic size swimming pool, the latest computers, computer-compatible Internet, well, paid, first class education. Go 30 miles south, there are students without libraries. Go 30 minutes later to students who are walking the floors of peeled paint, asbestos and lead paint. An unattractive place to study, an unattractive place to work, and so one group goes to Yale and one group goes to jail, and the schools cost so much less than the jails. And so there are gaps. What do I mean? I mean that at a minimum a school should be wired for the computers. They should have the computers in the schools. Many of our rural and urban schools, if you try to wire them you've got to go through asbestos and lead paint. And so when the President says, 'high standards', and the Governor says, 'high standards' we should all encourage that. And yet, the American promise is not that we all can dunk the basketball, but that we all should have the right to dribble, and we can't dribble lest there be an even floor. So this matter of investment in equal opportunity is critical to the American Dream. Somebody says, 'Well, money alone cannot do it.' Money alone cannot do it, but I submit to you the prenatal care, Head Start, and day care on the front side of life costs less than jail care and welfare on the backside. We must go another way. And so, while some are in the margins outside of the tent,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

others are in the basement facing class discrimination. When our country was founded one of the fundamental fallacies at the Constitutional Convention was only white male landowners had the right to vote. Whites who didn't own land could not vote, classicism. Their wives and their mothers, women could not vote in their own land, sexism. African-Americans 3/5 human, racism. Native-Americans could not live, genocide. So we've spent the rest of the time making this a more perfect union. We've spent this time healing the breach in the crack in the Liberty Bell. It becomes this generation's challenge today to pull down ancient walls that divide. When the walls come down, what do we find behind the walls except more market, more talent, more investors, and more possibilities. We must end the savage inequality. We can't stop there. As I go yesterday at Southeast High School here, as I visit Cook County Jail, or visit Tamms Jail, what do I see? Five grams of crack cocaine, 5 years mandatory, 500 grams of powder you get probation, and crack comes from powder. The source gets probation, the victim goes to jail. Six thousand a year to educate those children, 30 thousand a year to lock them up. And for so many of them, unfortunately, going to jail is a step up. It has no stain, for once they are in jail guess what, it's warm in the wintertime, it's cool in the summertime, organized recreation, adult supervision, computers, classes in character education, a one to five ratio between prisoner and security guards. There is something to be said about having as the monument to our generation the building of these jails raising up defunct property value of closed farms, privatizing prisons using our children as sources of income generation. Today I looked at a list from your

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Legislature, the prisoners in this state make more than 300 products. They're not just making T-shirts and stamping tags. They're making furniture. They are a work force. They're making 25 to 50 cents an hour. I saw prisoners in Tennessee three days ago making parts to jet engines at 21 cents an hour for McDonnell-Douglas. When we leave these matters unaddressed we lose the moral authority to tell China to do right and be right. We should never give up our moral authority, because we are too blessed as a nation. God has been good to us, and we ought to do right and be right. And how do we measure our character? We measure it by how we treat the least of these. Some say, 'Well, three strikes and you're out.' I say if the crime is vicious enough and the person's sick enough, one strike is enough and judges have that power. But then that's not the American Dream. The dream is how to lift up, not lock up. Prenatal care and Head Start, ball one, and adequate and equal funding of public education, ball two, a marketable skill and access to college, ball three, a job, ball four, stabilize our families and put us on. Today as the winds of fear grip our country, I appeal to this enlightened Legislature, in this Land of Lincoln, don't let them blind us with race-bait and make us less than who we really are. You hear these spurious arguments about welfare, welfare. You know the subtext is race. But lest we forget, most poor people are not on welfare, they work everyday. They drive cabs, they work in fast-food restaurants, they cook in schools, they sweep the floors of this building, they raise other people's children, they are day laborers, they work in hospitals. When we're sick they wipe our bodies, they cool our scorching fever and yet when they get sick after emptying our slop jars because no job

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

is beneath them, they cannot afford to lie in the bed they make up everyday because they don't have health insurance. These are America's people. Don't stop there. Most poor people on welfare are not black, they're not brown, they're white. They're female and two-thirds are children. But whether white, black, or brown, hunger hurts. Can we shift from welfare to work? Yes, but let there be work. Let there be job training. Let there be day care. Let there be transportation. We cannot let these forces tear our nation apart, affirmative action. That wind will blow this way again. Don't let them race-bait us into further deprivation. When you add Title IX, white women and women of various hues, and people of color, Title VI, and America's disabled, affirmative action is a majority issue, not a minority issue. It's about equal opportunity and opening closed doors, cheaper to teach them, cheaper to reach them, than to push them aside. Why be in such a hurry to leave them and then pay for their incarceration? And walk streets in fear because they have been degenerated into anti-socialites. And so my appeal to you today is, for us to take the initiative. Let this be a state where there is a commitment to building bridges. I talked to a delegation on Wall Street two days ago. Some had just taken a trip to Russia, teaching free enterprise. And they were proud that Russians are now selling boxes and are selling fish and they're now baking and they're now joining the free enterprise system. That's a good thing. Or in Poland they're now... walls are down, they're building. That's a good thing. In South... that's a good thing. We've built more bridges among us. We don't have our freemen's bureau. We don't have, as it were, the acres and the mule. We do not have the teaching of how to live in

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

the free enterprise system of capital regeneration. If we think about it and don't react, we can make America better and never bitter. On this, I say to you Legislators, please this year, pass equal funding. Support equal opportunity. Support equal chance. Let our children grow. Pull down the walls and build the bridges. I hear Jesus putting it this way, and it's so meaningful to me, as he measured us not by our titles, it's good to have them, or by race, it's good to have the esteem. But he said one day on the question, 'Who is my neighbor?' I said this to a group of youth at Brother Rice School and some at De LaSalle as I just left Lenard Clark struggling to breathe, disoriented, trying to find himself, having been beaten nearly to death by three youths who thought he was not their neighbor because he didn't live in their neighborhood, because he was not of their race. They thought he was not their neighbor. Some church, some house, some school, some TV program that led them to believe Lenard Clark was not their neighbor, that he was a foreigner. And so I said on one occasion, a man was walking down the street, attending to his business and Jesus said that two thieves jumped from behind the bushes and robbed him and left him to die. He said the man was beaten, he is not a hero, he's a victim. Lenard is not a hero, he's a victim. He said that I measure character by how you respond to a man or woman or child who's beaten, who had no opportunity. He said the reverend, the rabbi, the minister, the man of God saw him lying there bleeding with a prayer book in one hand, a Bible in the other. He went to the other side and kept walking, busy doing his priestly chores. Another man of his own race, my neighbor, my brother, my ethnic kin, he saw him lying there bleeding,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

he assumed he did something to get beat, he kept walking. But then another man of another race, another country, another culture, another language, another religion, he stopped and helped him up. Jesus said, 'Now who is my neighbor? The one who prays with me, sings with me, looks like me, or helps me in the time of need? Who is my neighbor?' Whether you are in Chicago or Cairo or Peoria or Quad Cities or Centralia, who is my neighbor? We all live under God's sky. Who is my neighbor? We are brothers and sisters. We must learn to live that way as civilized people and not die apart as fools. Teach our children that lesson that we are measured by our character. For beyond color, and color has its place, beyond culture it has its place, is something called character and every now and then we see it. I think we don't embrace it enough, if you will, Rodney King was beaten nearly to death by four racist white police. But don't assume all whites are racists on that basis. Had not George Halloday, a white photographer, filmed it and took it public, you would never know Rodney King existed. That white photographer, from his mother's knee or her prayer, or the prayer of his priest or some teacher, that's why the photographer went beyond color and culture. He could have said, 'Why is he in our neighborhood?' He could have taken the movies and turned them into dirty movies to laugh at but somehow George Halloday had the quality of character beyond one side of town, beyond one race. And then not long after that four young blacks nearly beat a white truck driver to death, Reginald Denny. It was a thuggish and a mean-spirited act. But lest you forget, don't stereotype all young blacks in that way. For while the beating was taking place, four young blacks saw it taking place on live TV. And they left

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

their individual homes and saved him from them and rushed him to a hospital where some black affirmative action doctor performed surgery and saved his life. Beyond color, beyond culture there is something called character, every now and then rise above party politics, rise above the race divide and choose a high road of character. We depend upon you to achieve that goal. I hear the writer saying, 'if my people', and we're all God's people, 'who will call by my name, will humble themselves and pray and seek my face and turn from their wicked ways, then they will hear from heaven and God will forgive their sins and heal their land and heal our land. God bless you. Thank you very much.'

Speaker Granberg: "House Bill 207, Representative Ronen. Representative Carol Ronen, House Bill 207. Do you wish to move that Bill to Third Reading? Out of the record. House Bill 232, Representative Gash. Representative Gash, do you wish to move the Bill to Third Reading? Do you wish to move the Bill? Out of the record. House Bill 271, Bugielski. Representative Bugielski, 271. The Lady from Cook, Representative Davis. For what reason do you rise?"

Davis, M.: "Mr. Speaker, I would be remiss if I did not say to this Body, we also have Paul Baker, an investigator for the Chicago Police Department, Reverend Willie Tapelin Barrel, Reverend Barrel is with Operation Push. We have Roland Burris, the former Attorney General for the State of Illinois. So we have truly been blessed in the General Assembly today. And of course, all of those wonderful people who took buses to help us, fund schools now."

Speaker Granberg: "Thank you, Representative. House Bill 291, Representative Lang. Representative Lang, did you wish to move that Bill, (sic-House Bill) 291? Out of the record. House Bill 314, Representative Boland. Representative

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Boland. Out of the record. House Bill 609, Representative Kenner. Representative Kenner. Is the Gentleman in the Chamber? Out of the record. House Bill 615. Mr. Clerk, House Bill 606. Representative Kubik. Representative Jack Kubik. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 606, a Bill for an Act amending the Riverboat Gambling Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions filed. A Fiscal Note has been requested on the Bill, as amended and has not been filed."

Speaker Granberg: "Representative Kubik rescinds that you request for a Fiscal Note to House Bill 606. Fiscal Note request is removed. Third Reading. House Bill 619, Representative Currie. Representative Barbara Currie. Barbara, do you wish to move your Bill to Third Reading? Out of the record. House Bill 621, Representative Flowers. Representative Flowers. Mary, do you wish to move the Bill to Third Reading? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 621, a Bill for an Act concerning minority and female franchise investments. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 622, Representative Flowers. Out of the record. House Bill 629, Representative Carol Ronen. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 629, a Bill for an Act amending the Illinois Abortion Law of 1975. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions filed. No Floor Amendments."

Speaker Granberg: "Third Reading. House Bill 630, Representative Ronen. (sic-House Bill) 630. Out of the record. House Bill 631, Representative Julie Curry. Read the Bill, Mr. Clerk."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Clerk Rossi: "House Bill 631, a Bill for an Act to amend the Property Tax Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 646, Representative Brunsvold. Representative Brunsvold, do you wish to move that Bill? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 646, a Bill for an Act amending the Emergency Telephone System Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. (sic-House Bill) 647, Representative Brunsvold. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 647, a Bill for an Act amending the Public Utilities Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 650, Representative Poe. Raymond Poe. Ray, do you wish to move the Bill to Third Reading? Out of the record. House Bill 651, Representative Poe. (sic-House Bill) 651, Raymond. Out of the record. House Bill 679, Representative Mautino. Representative Frank Mautino. Is the Gentleman in the Chamber? The Gentleman is in the Chamber. Mr. Clerk, has an Amendment been filed to this Bill?"

Clerk Rossi: "The Floor Amendment has not been filed."

Speaker Granberg: "Out of the record. House Bill 685, Representative Saviano. (sic-House Bill) 685. Out of the record. House Bill 687, Representative Brunsvold. Representative Brunsvold. Read the Bill."

Clerk Rossi: "House Bill 687, a Bill for an Act in relation to taxes. Second Reading of this House Bill. No Committee

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 609, Representative... (sic-House Bill) 699, Representative Judy Erwin. Is the Lady in the Chamber? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 699, a Bill for an Act to amend the Board of Higher Education Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 700, Representative Erwin. Representative Erwin, (sic-House Bill) 700. Read the Bill."

Clerk Rossi: "House Bill 700, a Bill for an Act to amend the Board of Higher Education Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 705, Representative Schoenberg. Representative Schoenberg, House Bill 705. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 705, a Bill for an Act concerning children's health insurance coverage. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. Representative Tenhouse in the Chair for purposes of an introduction."

Tenhouse: "Thank you. Ladies and Gentlemen of the House. What a terrific honor. I guess we had the Peoria Manual Rams, in here a few minutes ago. And now we have another group from... they also... I think they talk about it must be the shoes. I think in this case, it must be the water, because we have the State Champion, Class A Basketball... Class A Basketball, Warsaw Wildcats. And they also have the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

distinction of having the fourth place Class A Girls Team, which is pretty fantastic. I'd like you to welcome them to the House. I know we're in the middle of all our business, but I would like to just take the time to introduce the coaches. We have Jeff Dahl, who is the guys' coach. Jerry Jerome, who coached the girls. And Kevin Steckwich, which who I'm sure I mispronounced the name. But nevertheless it's great to have you here. We welcome you to Springfield. And I don't know, I hope we have the same record with the Warsaw Wildcats as the Peoria Manual Rams. Maybe we can do this three or four years in a row. Thank you."

Speaker Granberg: "Thank you, Representative Tenhouse. Granberg in the Chair. House Bill 708, Representative Murphy. Representative Harold Murphy. Would you like to move that Bill, sir? Read the Bill, Mr. Clerk. (sic-House Bill) 708, Mr. Clerk."

Clerk Bolin: "House Bill 708, a Bill for an Act in relation to health care benefits for certain retired community college employees and their dependents. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 710, Representative Julie Curry. Out of the record. House Bill 712, Representative Tom Cross. Out of the record. House Bill 718, Representative Deering. (sic-House Bill) 718, Representative Deering. Is the Gentleman in the Chamber? Out of the record. House Bill 729, Representative Feigenholtz. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 729, a Bill for an Act to amend the Election Code. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Speaker Granberg: "Third Reading. House Bill 735, Representative Schakowsky. Representative Schakowsky, do you wish to move the Bill to Third Reading? Out of the record. House Bill 759, Representative Acevedo. Representative Acevedo. Representative Acevedo. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 759, a Bill for an Act to amend the Criminal Code of 1961. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. Mr. Clerk, what is the status of Senate... House Bill 708."

Clerk Bolin: "The Bill is on Third Reading."

Speaker Granberg: "Mr. Clerk, was there a Fiscal Note request filed with that Bill?"

Clerk Bolin: "A Fiscal note was requested but has not been filed."

Speaker Granberg: "It has not been filed? Return the Bill to Second Reading. Hold the Bill on Second Reading, Mr. Clerk. House Bill 760, Representative Acevedo. Do you wish to move (sic-House Bill) 760? Mr. Clerk, read the Bill, please."

Clerk Bolin: "House Bill 760, a Bill for an Act to amend the Criminal Code of 1961. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendment. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 762, Representative Saviano. Representative Saviano, do you wish to move (sic-House Bill) 762? Out of the record. House Bill 767, Representative Novak. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 767, a Bill for an Act to amend the Environmental Protection Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 781, Representative Currie. Barbara Flynn Currie. Do you wish to move the Bill to Third? Out of the record. House Bill 784, Representative Schakowsky. Representative Jan Schakowsky. Out of the record. House Bill 796, Representative Tom Holbrook. Representative Holbrook. Is the Gentleman in the Chamber? Out of the record. The Gentleman from Kankakee, Representative Novak."

Novak: "Yes, Mr. Speaker. An Inquiry of the Chair. When you had House Bill 767, can you Inquire of the Clerk? There should of been a Amendment #2 filed, should be a Floor Amendment."

Speaker Granberg: "Mr. Clerk. Mr. Novak, the Clerk indicates that the Amendment has been filed. It is pending in the Rules Committee. Now we could, if the Amendment comes out of Rules, we could move the Bill back to Second."

Novak: "Pardon me, Mr. Speaker. Could you repeat that, Mr. Speaker?"

Speaker Granberg: "Mr. Novak, there is a... an Amendment pending in the Rules Committee. It has not been reported out. If you would like we can keep the Bill on Third. If the Amendment is reported out favorably then we could move the Bill back to Second and adopt the Amendment at that time. Or we could leave the Bill on Third Reading. At your pleasure, Sir."

Novak: "That is satisfactory to keep it on Third Reading."

Speaker Granberg: "Thank you."

Novak: "Thank you."

Speaker Granberg: "House Bill 797, Representative Mary K. O'Brien. Representative O'Brien, would you like to move your Bill to Third. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 797, a Bill for an Act in relation to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

care facilities. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 811, Representative Mike Weaver. Representative Weaver, is the Gentleman... Out of the record. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 811, a Bill for an Act to amend the State Employees Group Insurance Act of 1971. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. Ladies and Gentlemen, it is the intent of the Chair to move through all Second Reading Bills. We will move all Second Reading Bills to Third Reading. If you have Bills that need to be returned to the Order of Second Reading, please file that Bill number with the Clerk. House Bill 818, Representative Hassert. Out of the record. House Bill 819, Representative Phelps. Mr. David Phelps. David, do you wish to move your Bill to Third Reading? Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 819, a Bill for an Act relating to certification of school personnel. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 821, Representative Deering. Representative Deering. Has the Gentleman returned to the Chamber? Out of the record. House Bill 829, Representative Woolard. Representative Larry Woolard. Representative Woolard. Representative Woolard. Would you wish to have that Bill moved to Third Reading? Out of the record. House Bill 830, Representative Monique Davis. Monique, what is your pleasure? Out of the record. House Bill 838, Representative Monique Davis. Mr. Clerk, is there

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

an Amendment filed to House Bill 838? Representative, let's take that Bill out of the record. Mr. Clerk, has the Amendment been filed?"

Clerk Bolin: "An Amendment has been filed. And it's been referred to the Rules Committee."

Speaker Granberg: "Representative Davis, the Amendment is referred to the Rules Committee. The Rules Committee will meet this afternoon. Out of the record. House Bill 851, Representative Schoenberg. Representative Schoenberg. Is the Gentleman in the Chamber? Representative Jeff Schoenberg. Out of the record. House Bill 852, Representative Schoenberg. Out of the record. House Bill 860, Representative Dan Burke. Representative Burke. Is the Gentleman in the Chamber? Out of the record. House Bill 863, Representative Winters. Representative Dave Winters. Representative Winters. Is the Gentleman in the Chamber. Out of the record. Has Representative Winters, returned to the Chamber? Out of the record. House Bill 864, Representative Carol Ronen. Representative Ronen. Is the Lady in the Chamber? Lady in the Chamber? Out of the record. House Bill 865, Representative Cross. Is the Gentleman in the Chamber? Representative Tom Cross. Out of the record. House Bill 904, Representative Andrea Moore. Representative Moore, do you wish to move the Bill? Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 904, a Bill for an Act to amend the State Finance Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 914, Representative Harold Murphy. Representative Murphy, do you wish to have the Bill moved? Harold Murphy. Out of the record. House

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Bill 918, Representative Brady. Bill, do you wish to move the Bill to Third Reading? Out of the record. House Bill 920, Representative Zickus. Representative Anne Zickus. Is the Lady in the Chamber? Out of the record. House Bill 922, Representative Bugielski. Out of the record. House Bill 923, Representative Winkel. (sic-House Bill) 923, Rick. Out of the record. Mr. Clerk, the status of House Bill 61?"

Clerk Bolin: "House Bill 61 is on the Calendar, Order of House Bills-Third Reading."

Speaker Granberg: "Return the Bill to Second. House Bill 927, Representative Feigenholtz. Representative Feigenholtz, (sic-House Bill) 927. Do you wish to move the Bill? You should not ask the Chair what the Bill is. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 927, a Bill for an Act to amend the Jury Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 939, Representative Hannig. Representative Hannig, do you wish to move (sic-House Bill) 939? (sic-House Bill) 939. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 939, a Bill for an Act to amend the Nursing Home Care Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "The Gentleman from Vermilion, Representative Black. For what reason do you rise?"

Black: "Yes, an Inquiry of the Chair, Mr. Speaker."

Speaker Granberg: "State your inquiry."

Black: "Our files indicate that one of the Notes requested on this Bill, has not been filed. Will you check with the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Clerk?"

Speaker Granberg: "Mr. Clerk, have all the Note requests been complied with on this Bill?"

Clerk Bolin: "Both the Fiscal Note and a State Mandates Note have been requested, and filed."

Speaker Granberg: "Mr. Black, is that."

Black: "Yes, could I... further inquiry. Mr. Clerk, was there a... No, I'm sorry, you're right. Those are the only two. I have the wrong Bill. Thank you."

Speaker Granberg: "This Clerk is always right, Mr. Black. Thank you. Third Reading. House Bill 651, Representative Lindner. Representative Lindner. Out of the record. House Bill 957, Representative Giles. Calvin, do you wish to move the Bill to Third Reading? Out of the record. House Bill 960, Representative Lang. Is Representative... Out of the record. House Bill 974, Representative Flowers. Representative Mary Flowers. Is the Lady in the Chamber? Representative Flowers. Out of the record. House Bill 980, Representative Hannig. House Bill 980, Representative Hannig. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 980, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Representative Younge, for what reason do you arise?"

Younge: "Thank you, Mr. Speaker. The House Appropriation Education Committee will meet at 9:00 tomorrow, rather than 8:00."

Speaker Granberg: "Thank you, Representative. Third Reading. House Bill 982, Representative Schoenberg. Representative Jeff Schoenberg. Is the Gentleman in the Chamber? Out of

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

the record. House Bill 989, Representative McGuire. Representative McGuire. Jack McGuire. Is the Gentleman in the Chamber? Out of the record. House Bill 993, Representative Phelps. Representative David Phelps. Is the Gentleman in the Chamber? (sic-House Bill) 993. Out of the record. House Bill 1030, Representative Phelps. Is the Gentleman in the Chamber? Out of the record. House Bill 1031, Representative McCarthy. Kevin McCarthy, do you wish to move the Bill to Third? Out of the record. House Bill 1041, Representative Lopez. Edgar, do you wish to move the Bill to Third? Out of the record. House Bill 1042, Representative Hughes. Anne Hughes, do you wish to move the Bill? Representative Hughes, do you wish to move the Bill? (sic-House Bill) 1042. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1042, a Bill for an Act concerning managed care arrangements. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1050, Representative Brunsvold. Representative Brunsvold. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1050, a Bill for an Act concerning wildlife. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1058, Representative Deering. Has the Gentleman returned to the Chamber? Out of the record. House Bill 1064, Representative Phelps. Is the Gentleman in the Chamber? (sic-House Bill) 1064. Out of the record. House Bill 1072, Representative Wirsing. Representative Wirsing, is the Gentleman in the Chamber? Does the Gentleman wish to move

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

that Bill? Out of of the record. House Bill 1074, Representative Madigan. Out of the record. House Bill 1080, Representative Morrow. Representative Morrow. Out of the record. House Bill 1082, Representative Leitch. Representative David Leitch, would you like to move that Bill to Third Reading, Sir? Out of the record. House Bill 1088, Representative Schakowsky. Representative Jan Schakowsky, do you wish to move the Bill? Out of the record. House Bill 1089, Representative Gash. Representative Lauren Gash, do you wish to move the Bill? Out of the record. House Bill 1093, Representative Fritchey. Representative John Fritchey. Is the Gentleman in the Chamber? Out of the record. House Bill 1098, Representative Phelps. Representative David Phelps. Out of the record. House Bill 1106, Representative Saviano. (sic-House Bill) 1106. Out of the record. House Bill 1111, Representative Leitch. (sic-House Bill) 1111. Out of the record. House Bill 1115, Representative McAuliffe. Representative Michael McAuliffe. Is the Gentleman in the Chamber? Out of the record. House Bill 1119, Representative Julie Curry. Is the Lady in the Chamber? Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1119, a Bill for an Act to amend the Property Tax Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. The Gentleman from Vermilion, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. I appreciate that, my light was on. An Inquiry of the Chair. Again our file has a note that there was an agreement. If wrong I apologize. But this Bill was to of been amended before it

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

moved to Third. Would you check with the Sponsor and see if our notes are accurate?"

Speaker Granberg: "Representative Curry. Representative Curry, Mr. Black understood that this Bill was to remain on Second, until there is an agreement. Could you address that?"

Curry: "Mr. Speaker, the only Bill that I knew that there was an agreement on to be held on Second Reading until it was amended was, House Bill 1121. So I'm not sure what Mr. Black's..."

Black: "Could we hold on for just a second? We've got our staff on the phone, I think we can clear this up in just 30 seconds."

Speaker Granberg: "Mr. Black, while you're at ease, what was the score of the Cubs game yesterday?"

Black: "I'm sorry. The score of the Cubs game? I was called on account of cold weather, but not early enough. And then Mr. Speaker, if I'm not wrong, I think the Cardinals finally lucked out, didn't they? What a wonderful year it's going to be here."

Speaker Granberg: "They're now in second last place. Thanks to the Cubs."

Black: "Mr. Speaker. Representative Curry, is correct. We had the wrong file marked, it is (sic-House Bill) 1121. Thank you very much, for your indulgence."

Speaker Granberg: "Thank you, Mr. Black. Thank you, Mrs. Curry. (sic-House Bill) 1119, is on the order of Third Reading. House Bill 1128, Representative Santiago. Representative Santiago. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1128, a Bill for an Act to amend the Vital Records Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

filed."

Speaker Granberg: "Third Reading. House Bill 1136, Representative Novak. Representative Novak. Representative Novak. Is the Gentleman in the Chamber? Phil Novak, (sic-House Bill) 1136, Representative. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1136, a Bill for an Act in relation to burial benefits for firefighters and police officers killed in the line of duty and health care benefits for their surviving spouses. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1139, Representative Gash. Representative Lauren Gash. Is the Lady in the Chamber? Out of the record. House Bill 1141, Representative Edgar Lopez. Representative Lopez, do you wish to move the Bill to Third? Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1141, a Bill for an Act concerning child support. Second reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading 1142, Representative Lopez. Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1142, a Bill for an Act concerning health care coverage for treatment of diabetes. Second reading of this House Bill. Amendment #1 was adopted in Committee. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1148, Representative Kubik. Representative Jack Kubik. Is the Gentleman in the Chamber? Representative Kubik. Out of the record. House Bill 1181, Representative Wirsing. Out of the record. House Bill 1188, Representative Anne Hughes. (sic-House Bill) 1188, Representative. Out of the record. House Bill

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

1205, Representative Silva. Representative Silva.
Representative Sonia Silva. Read the Bill."

Clerk Bolin: "House Bill 1205, a Bill for an Act to amend the
Illinois Public Aid Code. Second Reading of this Bill. No
Committee Amendments. No Floor Amendments. No Motions
filed."

Speaker Granberg: "Third Reading. House Bill 1207, Representative
Meyer. Representative Jim Meyer. Jim Meyer, do you wish to
move the Bill to Third Reading? Out of the record. House
Bill 1211, Representative Jim Meyer. Out of the record.
House Bill 1220, Representative Giglio. Representative
Mike Giglio. Is the Gentleman in the Chamber? Is the
Gentleman in the Chamber? Out of the record. House Bill
1225, Representative Jim Meyer. Out of the record. House
Bill 1236, Representative Dan Burke. Out of the record.
House Bill 1245, Representative Ron Wait. Representative
Wait. Representative Wait, do you wish to move the Bill to
Third Reading? Out of the record. House Bill 1250,
Representative Mulligan. Rosemary Mulligan. Representative
Mulligan. Is Representative Mulligan, in the Chamber? Out
of the record. House Bill 1262, Representative Currie.
Representative Barbara Currie, do you wish to... Out of
the record. House Bill 1271, Representative Michael Smith.
Representative Smith, is the Gentleman in the Chamber? Out
of the record. House Bill 1272, Representative Woolard.
Representative Larry Woolard. Is the Gentleman in the
Chamber? Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1272, a Bill for an Act to amend the
Critical Health Problems and Comprehensive Health Education
Act. Second Reading of this House Bill. Amendment #1 was
adopted in committee. No Floor Amendments. No Motions
filed."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Speaker Granberg: "Third Reading. House Bill 1280, Representative Noland. Representative Duane Noland. Is the Gentleman in the Chamber? Does the Gentleman wish that Bill moved? Out of the record. House Bill 1283, Representative Santiago. Representative Santiago, do you wish to move the Bill? Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1283, a Bill for an Act to amend the Property Tax Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1301, Representative Ronen. Carol Ronen. Does the Lady wish to move the Bill? Out of the record. House Bill 1305, Representative Stroger. Representative Todd Stroger. Is the Gentleman in the Chamber? Out of the record. House Bill 1313, Representative Lindner. Representative Lindner. Representative Lindner. Is the Lady in the Chamber? Do you wish to move the Bill? Out of the record. The Gentleman from McHenry, Representative Skinner, for purposes of an announcement."

Skinner: "Yes, Mr. Speaker and Ladies and Gentlemen of the House. We have the seventh grade class from Fox River Grove High School, Junior High School that is. They would be really advanced, wouldn't they, if they were in high school in the seventh grade. In the Gallery, they're down here to present petitions on behalf of House Bill 50 the Bill to lower the speed limit at Fox River Grove, for the trains to do 50 miles per hour. Thank you very much and welcome."

Speaker Granberg: "House Bill 1320, Representative Coulson. Representative Beth Coulson. Out of the record. House Bill 1321, Representative Novak. Representative Phil Novak, (sic-House Bill) 1321 Sir. Do you wish to move the Bill?

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Out of the record. House Bill 1324, Representative Coulson. Out of the record. House Bill 1337, Representative Poe. The Gentleman from Springfield, Representative Poe. Is he in the Chamber? Is Representative Poe in the Chamber? Out of the record. House Bill 1356, Representative Bost. Representative Mike Bost. Representative Bost, in the rear of the Chamber. Do you wish to move the Bill to Third Reading? Out of the record. House Bill 1373, Representative Mitchell. Representative Jerry Mitchell, do you wish to move the Bill to Third Reading, Sir? Out of the record. House Bill 1377, Representative Art Turner. Art Turner. Is the Gentleman in the Chamber? Out of the record. House Bill 1384, Representative Pankau. Does the Lady wish to move the Bill? Out of the record. House Bill 1389, Representative Wood. Representative Wood. Is the Lady in the Chamber? Representative Wood. Out of the record. House Bill 1407, Representative Brosnahan. Representative Brosnahan. Is the Gentleman in the Chamber? Representative Brosnahan, do you wish to move the Bill, Sir? You're following Representative Dart's advice. Out of the record. House Bill 1418, Representative Erwin. Representative Judy Erwin. Is the Lady in the Chamber? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1418, a Bill for an Act concerning currency changes in Europe. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1421, Representative Hassert. Representative Hassert. Brent Hassert. Out of the record. House Bill 1428, Representative Winters. Dave Winters. Is the Gentleman in the Chamber? Representative Winters. Out of the record. House Bill 1437,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Representative Wyvetter Younge. Out of the record. House Bill 1443, Representative Scully. George Scully, is the Gentleman in the Chamber? Representative Scully. Out of the record. (sic-House Bill) 1444, Representative Scully. Out of the record. House Bill 1447, does Representative Ryder wish to move his Bill? Out of the record. House Bill 1452, does Representative Ryder wish to move that Bill? Out of the record. House Bill 1454, Representative Eugene Moore. Out of the record. House Bill 1456, Representative Moore. Out of the record. House Bill 1457, Representative Novak. Representative Phil Novak, do you wish to move that Bill, Sir? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1457, a Bill for an Act to amend the Illinois Nuclear Safety Preparedness Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 157, Mr. Clerk."

Clerk Rossi: "House Bill 157, a Bill for an Act to amend the Criminal Code of 1961. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. No Floor Amendments."

Speaker Granberg: "Have all the Notes been filed?"

Clerk Rossi: "The Notes have been filed."

Speaker Granberg: "Third Reading. House Bill 1486, Representative Santiago. Representative Santiago. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1486, a Bill for an Act to create the Alzheimer's Special Care Disclosure Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1487, Representative Santiago. Read the Bill, Mr. Clerk."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Clerk Rossi: "House Bill 1487, a Bill for an Act to amend the Illinois Act on Aging. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. (sic-House Bill) 1489, Representative Ryder. Does the Gentleman wish to move that Bill? Out of the record. House Bill 1492, Representative Ryder. Does the Gentleman wish to move that Bill to Third Reading? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1492, a Bill for an Act concerning administrative procedure. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1493, Representative Ryder. Representative Ryder, (sic-House Bill) 1493. Do you wish to move that Bill, Tom? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1493, a Bill for an Act concerning radiation protection and installation. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1496, Representative Harold Murphy. Representative Murphy. Representative Harold Murphy, do you wish to move your Bill to Third Reading, Sir? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1496, a Bill for an Act to amend the Illinois Pension Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1499, Representative Ryder. Out of the record. House Bill 1501, Representative Black. Does Representative Black wish to move that Bill? Out of the record. House Bill 1511, Representative

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Santiago. (sic-House Bill) 1511, Representative. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1511, a Bill for an Act to amend the Property Tax Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1515, Representative Art Turner. Representative Turner, is the Gentleman in the Chamber? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1515, a Bill for an Act to amend the Election Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1534, Representative Wirsing. Representative Wirsing, do you wish to move that Bill, Sir? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1534, a Bill for an Act amending the Illinois Vehicle Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1556, Representative Phelps. Representative David Phelps. Is the Gentleman in the Chamber? Does Representative Phelps wish to have that Bill moved, (sic-House Bill) 1556? Out of the record. House Bill 1565, Representative Krause. Representative Krause. Representative Krause, do you wish to move that Bill? Out of the record. House Bill 1573, Representative Wirsing. (sic-House Bill) 1573. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1573, a Bill for an Act to amend the Water Authorities Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

filed."

Speaker Granberg: "Third Reading. House Bill 1576, Representative Santiago. (sic-House Bill) 1576. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1576, a Bill for an Act concerning dementia-related health care. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1577, Representative Santiago. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1577, a Bill for an Act concerning vehicles. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1585, Representative Scully. Representative George Scully. Is the Gentleman in the Chamber? Gentleman in the Chamber? Out of the record. House Bill 1589, Representative McKeon. Is the Gentleman in the Chamber? Out of the record. Did you wish to call that Bill, Representative, that is (sic-House Bill) 1589? Do you wish to move that Bill to Third Reading? Out of the record. House Bill 1610. Representative Currie. Representative Barbara Currie. Is the Lady in the Chamber? Out of the record. (sic-House Bill) 1612, Representative Carol Ronen. (sic-House Bill) 1612, Representative. Do you wish to move that Bill to Third, Carol? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1612, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 613 (sic-House Bill) 1613, Representative Carol Ronen. Read the Bill, Mr. Clerk."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Clerk Rossi: "House Bill 1613, a Bill for an Act to amend the Illinois Domestic Violence Act of 1986. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1619, Representative Lou Jones. Representative Lou Jones. Is the Lady in the Chamber? Representative Lou Jones. Representative Jones, do you wish to move the Bill to Third Reading, Representative? Out of the record. House Bill 1633, Representative Roskam. Representative Peter Roskam. Out of the record. House Bill 1635, Representative Lopez. Representative Edgar Lopez, on (sic-House Bill) 1635. Representative Lopez, do you wish to move that Bill, to Third? Out of the record. House Bill 1637, Representative Lopez. (sic-House Bill) 1637. Out of the record. House Bill 1639, Representative Lopez. Out of the record. (sic-House Bill) 1640, Representative Stroger. Representative Todd Stroger. Is the Gentleman in the Chamber? Gentleman in the Chamber? Out of the record. House Bill 1643, Representative O'Brien. Representative Mary K. O'Brien. Read the Bill."

Clerk Rossi: "House Bill 1643, a Bill for an Act concerning criminal background checks. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed. A Fiscal Note has been requested on the Bill and has not been filed."

Speaker Granberg: "The Note has not been filed, Mr. Clerk?"

Clerk Rossi: "The Note has not been filed."

Speaker Granberg: "Representative O'Brien, there is a Fiscal Note request on the Bill. That Note has not yet been filed. So the Bill will have to stay on Second Reading. Thank you. House Bill 1654, Representative Hartke. Representative Chuck Hartke. Out of the record. House Bill 1664,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Representative Mitchell. Representative Jerry Mitchell. Is the Gentleman in the Chamber? Out of the record. House Bill 1670, Representative Zickus. Anne Zickus. Is the Lady in the Chamber? (sic-House Bill) 1670, (sic-House Bill) 1670. Read the Bill, Mr. Clerk. No, out of the record. Out of the record. House Bill 1671, Representative Zickus. Out of the record. House Bill 1674, Representative Brosnahan. Representative Brosnahan, do you wish to move that Bill? Out of the record. House Bill 1678, Representative Woolard. Representative Larry Woolard, do you wish to move the Bill, 1678 Sir? Mr. Clerk, is there an Amendment filed on the Bill?"

Clerk Rossi: "Floor Amendment #1, on House Bill 1678, has been referred to the Rules Committee."

Speaker Granberg: "Representative Woolard, that... the Amendment is pending in Rules Committee. Take this Bill out of the record? House Bill 1685, Representative Scott. Doug, do you wish to move the Bill to Third Reading, 1685? Out of the record. House Bill 1689, Representative Scully. Representative George Scully. Is the Gentleman in the Chamber? Out of the record. (sic-House Bill) 1696 Representative Daniels. Representative Daniels, do you wish to move that Bill? Out of the record. House Bill 1699, Representative John Jones. Representative Jones. Is the Gentleman in the Chamber? Representative John Jones. Out of the record. House Bill 1706, Representative Zickus. Has the Lady returned? Has Representative Zickus, returned? Out of the record. House Bill 1719, Representative Todd Stroger. Is the Gentleman in the Chamber? Out of the record. House Bill 1724, Representative Lopez. Edgar Lopez. Out of the record. House Bill 1730, Representative Lopez, (sic-House Bill)

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

1730. Out of the record. House Bill 1735, Representative Connie Howard. Connie, do you wish to move that Bill up to Third Reading? Third Reading, Representative Howard?"

Howard: "Yes, please hold that, just hold it."

Speaker Granberg: "Fine. Out of the record. House Bill 1751, Representative Erwin. Representative Judy Erwin. Is the Lady in the Chamber? Yes, she is and she indicates... Read the Bill."

Clerk Rossi: "House Bill 1751, a Bill for an Act relating to arts, organizations, and cultural institutions. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments."

Speaker Granberg: "Third Reading. House Bill 1758, Representative Carol Ronen. Carol, do you wish to move the Bill? (sic-House Bill) 1758. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1758, a Bill for an Act amending the Illinois Public Aid Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1765, Representative Giles. Cal, do you wish to move your Bill to Third Reading? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1765, a Bill for an Act amending the Election Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1808, Representative Carol Ronen. Representative Ronen, (sic-House Bill) 1808, Ma'am. (sic-House Bill) 1808. Out of the record. House Bill 1809. Out of the record. House Bill 1811. Keep looking, you have a few more. Out of the record. (sic-House Bill) 1812. Out of the record."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

(sic-House Bill) 1813. Out of the record. House Bill 1817, Representative Ron Stephens. Is the Gentleman in the Chamber? Ron Stephens. Does the Gentleman wish that Bill to be moved? Out of the record. House Bill 1821, Representative Biggert. Judy Biggert. Out of the record. House Bill 1823, Representative Winkel. Representative Rick Winkel. Do you wish to move that Bill to Third Reading, Sir? Out of the record. House Bill 1896, Representative Lopez. Representative Edgar Lopez. (sic-House Bill) 1896. Out of the record. House Bill 1906, Representative Santiago. Representative Santiago. Out of the record. House Bill 1914, Representative Dan Burke. Representative Burke. Is the Gentleman in the Chamber? He indicates he's not. (sic-House Bill) 1914. Out of the record. (sic-House Bill) 1915, Representative Ronen. Representative Carol Ronen, 1915. Out of the record. House Bill 1917, Representative Burke. Out of the record. (sic-House Bill) 1923, Representative Schoenberg. Is Representative Schoenberg in the Chamber? Representative Jeff Schoenberg. Out of the record. House Bill 2040, Representative Dart. Representative Tom Dart. Is the Gentleman in the Chamber? Out of the record. (sic-House Bill) 2059, Representative Schoenberg. Out of the record. House Bill 2060. House Bill 2059, read the Bill."

Clerk Rossi: "House Bill 2059, a Bill for an Act to amend the Department of Human Services Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions filed. No Floor Amendments."

Speaker Granberg: "Third Reading. (sic-House Bill) 2066, Representative John Turner. Representative John Turner. Is the Gentleman in the Chamber? Does he wish to move that Bill? (sic-House Bill) 2066. Read the Bill, Mr. Clerk."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Clerk Rossi: "House Bill 2066, a Bill for an Act amending the Code of Civil Procedure. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "House Bill 763. Third Reading. House Bill 763. Out of the record. House Bill 2068, Representative John Turner. Does Mr. Turner wish to move that Bill? (sic-House Bill) 2068. Does he wish to move that Bill? Out of the record. Mr. Clerk, read the Bill. (sic-House Bill) 2068."

Clerk Rossi: "House Bill 2068, a Bill for an Act amending the Juvenile Court Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. (sic-House Bill) 2069, Representative Wood. Representative Wood, do you wish to move that Bill to Third Reading, Ma'am? Out of the record. House Bill 2081, Representative Pugh. Representative Coy Pugh. Is the Gentleman in the Chamber? Representative Pugh. Out of the record. (sic-House Bill) 2097, Representative Roskam. Representative Roskam, do you wish to move that Bill? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2097, a Bill for an Act amending the Criminal Code of 1961. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 2120, Representative Saviano. Representative Saviano. Is the Gentleman in the Chamber? Out of the record. House Bill 2127, Representative Barbara Currie. Representative Currie. Does the Lady wish that Bill moved? Out of the record. House Bill 2138, Representative Roskam. (sic-House Bill) 2138, Peter. Out of the record. House

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Bill 2184, Representative Wood. Do you wish to move that Bill to Third Reading, Ma'am? (sic-House Bill) 2184. Out of the record. House Bill 2209, Representative Rutherford. (sic-House Bill) 2209, Representative Rutherford. Out of the record. House Bill 2214, Representative Tom Johnson. Representative Tom Johnson, do you wish to move that Bill to Third Reading, Sir? Out of the record. House Bill 2224, Representative Jim Meyer. Representative Meyer. Is the Gentleman in the Chamber? Is the Gentleman in the Chamber? Out of the record. House Bill 2251, Representative Gash. Is the Lady in the Chamber? Does she wish to have the Bill moved? Out of the record. House Bill 2258, Representative Gash. (sic-House Bill) 2258. Out of the record. House Bill 2288, Representative Fantin. Representative Arline Fantin. Is the Lady in the Chamber? Out of the record. House Bill 859, Representative Dart. Read the Bill."

Clerk Rossi: "House Bill 859, a Bill for an Act amending the Criminal Code of 1961. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 999."

Clerk Rossi: "House Bill 999, a Bill for an Act amending the Illinois Income Tax Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions filed. No Floor Amendments."

Speaker Granberg: "Third Reading. House Bill 1090, Representative Gash. Read the Bill."

Clerk Rossi: "House Bill 1090."

Speaker Granberg: "Excuse me, Mr. Clerk. Representative, I believe the Notes have been filed. You can move the Bill to Third Reading. Out of the record. House Bill 1424,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Representative Brosnahan. Representative Brosnahan. Is the Gentleman in the Chamber? Representative Brosnahan. Out of the record. Mr. Clerk, House Bill 1090, read the Bill."

Clerk Rossi: "House Bill 1090, a Bill for an Act to require administrators of certain educational institutions to report certain criminal offences. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Granberg: "Third Reading. House Bill 1813. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1813, a Bill for an Act to amend the Children and Family Services Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions filed. No Floor Amendments."

Speaker Granberg: "Third Reading. House Bill 2030. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2030."

Speaker Granberg: "Mr. Clerk, there are Notes outstanding? Hold the Bill. Hold the Bill on Second. Mr. Clerk, House Bill 763."

Clerk Rossi: "House Bill 763."

Speaker Granberg: "Out of the record. House Bill 2066."

Clerk Rossi: "House Bill 2066 is on the Order of Third Reading."

Speaker Granberg: "Return it to Second Reading. Mr. Clerk, House Bill 2068."

Clerk Rossi: "House Bill 2068, is on Calendar, Order of Third Reading."

Speaker Granberg: "Return the Bill to Second. House Bill 2226, Mr. Clerk."

Clerk Rossi: "What was the number?"

Speaker Granberg: "(sic-House Bill) 2226."

Clerk Rossi: "House Bill 2226."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Speaker Granberg: "It's on Third Reading? Return it to Second.

House Bill 347, can you give me the status, Mr. Clerk?"

Clerk Rossi: "House Bill 347 is on the Order of Third Reading."

Speaker Granberg: "Return it to Second. House Bill 776, Mr.

Clerk, can you give us the status?"

Clerk Rossi: "House Bill 776 is on the Order of Third Reading."

Speaker Granberg: "Return it to Second. House Bill 678, what is the status?"

Clerk Rossi: "House Bill 678 is on the Order of House Bills - Third Reading."

Speaker Granberg: "Return that Bill to Second Reading. House Bill 776, what is the status?"

Clerk Rossi: "House Bill 776, has previously been returned to the Order of Second Reading."

Speaker Granberg: "Thank you. House Bill 861, what is the status?"

Clerk Rossi: "House Bill 861 is on the Order of House Bills - Third Reading."

Speaker Granberg: "Return the Bill to Second. House Bill 1485, what is the status?"

Clerk Rossi: "House Bill 1485 is on the Order of House Bills - Third Reading."

Speaker Granberg: "Return the Bill to Second Reading. House Bill 2188, what is the status?"

Clerk Rossi: "House Bill 2188. House Bill 2188 is on the Order of House Bills - Third Reading."

Speaker Granberg: "Return that Bill to Second Reading. House Bill 1116."

Clerk Rossi: "House Bill 1116 is on the Order of House Bills - Third Reading."

Speaker Granberg: "Return it to Second. House Bill 688."

Clerk Rossi: "House Bill 688 is on the Order of House Bills -

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Third Reading."

Speaker Granberg: "Return it to Second. House Bill 1063."

Clerk Rossi: "House Bill 1063 is on the Order of House Bills-
Third Reading."

Speaker Granberg: "Return the Bill to Second Reading. House Bill
678, that's been returned to Second Reading. That's been,
previously, returned to Second Reading. The Lady from Cook,
Representative Erwin, for what reason do you rise?"

Erwin: "Thank you. Mr. Speaker, I rise on a Point of Personal
Privilege. I'd like the Members to know that between the
hours of 3:00 and 5:00, in the anteroom, in the Conference
Room, right behind the Podium, you can view a tape of
Channel 5 investigation that dealt with Fraudulent Check
Printing Practices. This is related to House Bill 1113,
that did go through our Consumer Protection Committee. But
because of time we weren't able to show this video tape.
Channel 5 sent this down, I think you'll find it
interesting and we may be voting on this Bill, either later
today or tomorrow. So, from 3:00 to 5:00, if you get
bored, you can go back and look at the video. Thank you."

Speaker Granberg: "Thank you, Representative. If any of the
Members have Bills they would like to move back to Third
Reading, please submit those numbers with the Clerk in the
Well. We'll move those Bills back later this afternoon. If
you have any additional Bills, that need to be put in the
posture for Amendments, please notify the Clerk and we will
move those Bills back later today. The Gentleman from
Jersey, Representative Ryder, for purposes of an
announcement or introduction."

Ryder: "Thank you, Mr. Speaker. I know that we have had some
illustrious guests in our Chamber today. I would like to
introduce to you some students from my district that have

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

been able to achieve a three-peat. Secretary of State George Ryan, along with Mothers Against Drunk Driving, sponsors a contest in which students prepare a public service announcement advocating other students not to drink and drive at the same time. We have with us today students from Jersey Community High School, who not only have won first place in each of the last three years, but this year they submitted three different videos and they swept, first, second and third place. I would ask you to recognize students who have made a commitment. And are serving as role models who are in balcony to the east. Please welcome the students from Jersey Community High School. Thank you."

Speaker Granberg: "Welcome to Springfield. Mr. Clerk, House Bill 1433, what is the status of that Bill? Thank you, Mr. Ryder."

Clerk Rossi: "House Bill 1433 is on the Order of House Bills - Third Reading."

Speaker Granberg: "Return the Bill to Second Reading. On the Order of House Bills - Third Reading appears House Bill 15. Representative Capparelli, do you wish to call House Bill 15? Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 15, a Bill for an Act amending the Illinois Pension Code and State Mandates Act. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Cook, Representative Capparelli."

Capparelli: "Thank you, Mr. Speaker. House Bill 15, amends the Chicago Municipal and Chicago Laborers' Article. It makes a series of agreed changes for the computation of the monthly annuity payments."

Speaker Granberg: "Excuse me, Representative. Ladies and

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Gentlemen, we are on Third Reading, final passage. If you could give the Gentleman some attention. We're on the Order of Third Reading. Final passage of House Bills. If you could give the Gentleman some attention, please. Ladies and Gentlemen. Ladies and Gentlemen. Proceed Representative."

Capparelli: "As I was saying that House Bill 15 amends the Chicago Municipal and Chicago Laborers' Articles of Pension Code makes a series of agreed changes. For one it prorates the annual payments, the annuity payments made after January 1, 1998, shall be for the entire month. That's if your annuity payment's on the 15th of the month, you would not be prorated, you're credited for the whole month. The second part, the employer contribution may be paid from any available source. Right now it's paid from the real estate tax. But if the real estate tax fund is low they could take it from other funds that they have. The third part is investment may be carried on a book market value. When the annuity buys stocks for \$1.00 and it goes to \$2.00, they should show \$2.00 on the books. If they buy it for \$1.00 and it goes down to 50¢, they show the actual value at 50¢. They, also in the Bill, you can transfer credit pensions, provides that the service rendered by an employee of the Chicago police officer, a firefighter, or a public school teacher may be counted as creditable service in the Chicago Municipal Fund. These are all agreed by the funds. And I would ask for a favorable Roll Call."

Speaker Granberg: "The Gentleman from Livingston, Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. I think I heard about a third of what he had to say and I'm not going to ask him to repeat it. But I will ask if he would yield while I ask him

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

a couple of questions?"

Speaker Granberg: "He indicates he will. Please proceed, Representative."

Rutherford: "Thank you, Mr. Speaker. In the... Representative, in the Bill you've got a portion of it talks about the prudent person process for investment in the funds. Could you explain that to us, please?"

Capparelli: "Which part was that now?"

Rutherford: "It's dealing with the prudent person portion of the investment funds for the pension programs."

Capparelli: "The rules pertaining to refunds and credits?"

Rutherford: "It's the portion dealing with the investments that can be done by the investment authority, by the pension funds would need to follow the prudent person process. Could you explain to us what that, what the ramifications of that would be on the funds? Okay, if you... Representative, on page nine, lines 26 through 30. Representative, maybe I can very... very easily, on page nine lines 26 through 30 you're removing certain sections there. And prior to this change, it had said in there that, the investment funds would be required to go into certain government type of funds and so forth. By making this change it would now expand the opportunity to go to more the prudent person process for investment. I don't see it as being a negative. I just want to make sure that we understand that we are changing that ability, for these pension funds to have that authority."

Capparelli: "We are giving the pension board more authority to invest in what they want to invest in."

Rutherford: "In a larger scope of opportunity than what they have presently."

Capparelli: "Right."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Rutherford: "And it would be utilizing under the terms of most investment process, the prudent person process."

Capparelli: "Right."

Rutherford: "And again, it's necessarily a negative, I just want to make sure that the Body understands that we are expanding the scope and using that definition different than what we had been prior to."

Capparelli: "You're absolutely right."

Rutherford: "Is that correct, Representative?"

Capparelli: "You're absolutely right."

Rutherford: "Great. No further questions, Representative. Mr. Speaker, thank you."

Speaker Granberg: "Thank you, Representative. The Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Granberg: "He indicates he will, please proceed."

Parke: "Thank you. Representative, are you working with the Department of Insurance on this? Is... And have they signed off on this Bill, cause they have to administer it don't they? Isn't the Department of Insurance the ones that have to authorize this?"

Capparelli: "I'm sorry, would you repeat that question? I was talking."

Parke: "If you're going to be going with this, doesn't the Department of Insurance regulate this system, this pension?"

Capparelli: "They really don't regulate the Chicago Pension Fund."

Parke: "Then have we got an agreement between the City of Chicago and the systems that want this increase?"

Capparelli: "Yes, we do, yes, we do."

Parke: "Do you know of anybody opposing this legislation?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Capparelli: "No."

Parke: "Thank you very much."

Speaker Granberg: "Nothing further. The Gentleman from Cook, Representative Capparelli moves for the passage of House Bill 15."

Capparelli: "This Bill has been agreed upon. I would just ask for a favorable Roll Call. Thank you."

Speaker Granberg: "Thank you, Representative. Moves for the passage of House Bill 15. All in favor shall vote 'aye'; all opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Lady from Cook, Representative Erwin, for what reason... for what reason do you rise, Representative? On this question, there are 115... Take the record, Mr. Clerk. On this question, there are 115 voting 'aye', 1 voting 'no', 1 voting 'present'. House Bill, 15 having received the Constitutional Majority, is hereby declared passed. House Bill 23, Representative Lindner. Representative Lindner. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 23, a Bill for an Act amending the Illinois Pension Code. Third Reading of this House Bill."

Speaker Granberg: "The Lady from Kane, Representative Lindner."

Lindner: "Yes, Thank you, Mr. Speaker. House Bill 23, amends the Judges Article of the Pension Code. And just opens up a window of opportunity for judges to elect, to contribute or rescind their election not to contribute for a spouse's annuity benefit. Now there is no cost to the state and the judges would have to pay everything back to that survivor's annuity."

Speaker Granberg: "The Lady from Kane, Representative Lindner, moves for the passage of House Bill 15. On that are there any questions?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Lindner: "House Bill 23, Mr. Speaker."

Speaker Granberg: "Sorry, House Bill 23. There being no one seeking recognition, the Lady from Kane moves for its passage. All those in favor shall vote 'aye'; all those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'aye', 3 voting 'no', 0 voting 'present'. House Bill 23 having received a Constitutional Majority, is hereby declared passed. House Bill 97, Representative Dart. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 97, a Bill for an Act to amend the Children and Family Services Act. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr. Speaker and Members of the House. House Bill 97, is a very straightforward Bill that deals with giving adoptive parents, especially those adoptive parents of special needs children, back the \$25 subsidy that was removed from them two years ago. This is an effort, much like is going on in the national level, to put the emphasis on adoption in an effort to get the children out of the system. We presently have approximately 60 thousand children in substitute care in this state. Right now we have been making attempts to adopt, but the attempts have been very weak at best. This is an effort to restore some of the confidence that many of the adoptive families have lost in the course of the last couple years. Starting with the Baby Richard decision and being finished off by this cut. This was a cut that came about two years ago, no explanation whatsoever. It is now been seen that it has put a chilling effect on adoption of special needs children. In

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

case I would have to mention to you folks here the special needs children we're talking about, the children that nobody else wants right now that otherwise be in foster care, that would cost us over \$20 something thousand a year. By doing this, by putting them into an adoptive home, it's a minimal expenditure by the state. It puts the children into where they have a loving family and also ends up saving the state money. It's a common sense Bill, supported by the Foster Parents Association, the coalition for Adopting Children and numerous other organizations. And I'd appreciate your support."

Speaker Granberg: "The Gentleman moves for the passage of House Bill 97. On that question, the Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. Will the Sponsor yield for a couple questions?"

Speaker Granberg: "He indicates he will. Proceed."

Cross: "Representative, I know this passed out of committee unanimously. What... I understand is, DCFS is on board with this now?"

Dart: "Yeah, Tom. We've been working on this, and my understanding is, everybody is pretty much agreed that that the cuts that were made two years ago were ill-timed and ill-advised. And so, this is the best way to try to put things back to where they were. And my understanding is most all the parties involved, that I'm aware of, are on board now."

Cross: "Also, if I'm reading the Fiscal Note correctly Tom, the cost at least from the state's standpoint, is zero. So we have no additional cost."

Dart: " Yeah, Tom. As a matter of fact when you really look at the numbers, it's going to end up being a savings. Because

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

these are children who otherwise end up in our foster care system. And when you work out the numbers, that's about a \$20 thousand a year hit per kid. And that's just on the monetary side. If you look human side it's obviously much better to get these children out of homes. And the children we're talking about to, are children that are crack babies, fetal alcohol syndrome, shaken babies, frankly children that are very bad off and that are not exactly on the top of the list of people to be adopted."

Cross: "Representative, I know everyone is paying attention. This Bill also allows for three Riverboat Licenses in Chicago, is that correct?"

Dart: "No, that's on my other Bill."

Cross: "Okay. I didn't think anyone cared everyone is so intrigued by our debate. Thank you, for your help on the Bill."

Dart: "Thank you."

Speaker Granberg: "A great job by both of you. On this question. Anything further? No one seeking recognition. The Gentleman from Cook, moves for the passage of House Bill 97. All in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 117 voting 'aye', 0 voting 'no', 0 voting 'present'. House Bill 97 having received the Constitutional Majority, is hereby declared passed. House Bill 149, Mr. Clerk."

Clerk Bolin: "House Bill 149, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Granberg: "The Gentleman from Madison, Representative Steve Davis. Representative Steve Davis, on his first Bill. I let that slip, I'm sorry."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Davis, S.: "Thank you, Speaker. Thank you for reminding everybody. Thank you, Speaker, Ladies and Gentlemen of the House. House Bill 149 addresses a problem in the Illinois Vehicle Code by adding a new provision to the section, which addresses special automobile decals for handicapped and disabled individuals. Currently, the Vehicle Code does not, however, address the fraudulent misuse of disabled motorist decals. House Bill 149, does and makes a violation thereof a Class C misdemeanor. A Class C misdemeanor carries a potential sentence of up to 30 days in jail, two years of probation, or a fine of up to \$500. This Bill passed out of Judiciary I Civil Law Committee 9 to 0. And I would be glad to answer any questions from the Body."

Speaker Granberg: "The Gentleman moves for the passage of House Bill 149. On that, the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Granberg: "Indicates he will. Please proceed."

Black: "Yes, Representative, what's the genesis of this Bill?"

Davis S.: "Representative, this Bill actually, the idea for this Bill came from some individuals in my district. Some individuals that belong to an organization called IMPACT. And this is a very active organization in District 111 that looks after the problems with handicapped and the disabled."

Black: "What... How do you define a fraudulent... what constitutes fraudulent possession or misuse of a person with a disabilities motorist decal or devise?"

Davis, S.: "Well, Representative, I think I can think of at least one or two examples. Whenever a handicapped parking decals

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

are issued to disabled individuals, other individuals may be using them unlawfully and taking advantage of it. Also there's a problem that I have been told of... of counterfeit decals throughout the State of Illinois. People using fraudulent disabled parking decals."

Black: "In the case of an individual using one of these decals that may belong to a spouse or a relative, who then is the guilty party? The person using it or the person to whom it was issued?"

Davis S.: "Representative, I believe that the way that the legislation is drafted, it would be the person using it, if they are using it fraudulently."

Black: "And the person using it would be charged with a Class C misdemeanor?"

Davis S.: "Yes, Sir."

Black: "What's the penalty for a Class C misdemeanor?"

Davis, S.: "The penalty, Representative, as I stated earlier would be a sentence of up to 30 days in jail, two years of probation, or a fine of up to \$500."

Black: "Would you be willing to amend this Bill on it's face to make it a Class X Felony?"

Davis, S.: "Well, Representative, that's something we could take under consideration. But I don't believe that now is the time to do that."

Black: "Well, Representative, you've been working on this Bill for two and a half years, what's another day or two? Holy mackerel, we could do it today."

Davis, S.: "Two years, four months, and nine days."

Black: "Yeah, but who's counting, right? Two years, four months, and nine days?"

Davis, S.: "That's correct."

Black: "Well, you know, to quote the Gallo Brothers, 'Some things

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

get better with age'. I don't know that you do, but the Bill might. So given the fact that you've worked two years, four months, and nine days to develop your first Bill, I think the Members of this Body will give you a fair hearing, as I'm sure we've done already, and we'll vote accordingly. And we'll vote accordingly. Thank you, Representative. Thank you, Mr. Speaker."

Speaker Granberg: "Thank you, Representative. Anything further? The Gentleman from Cook, Representative Lang. Representative Lang, before you proceed, do you wish to take this Bill off of Short Debate? Acknowledged, proceed."

Lang: "Representative. Oh, you're back there. Hi."

Davis, S.: "In the back row."

Lang: "Nice tie, by the way."

Davis, S.: "Thank you, Representative."

Lang: "Representative, is this your first Bill?"

Davis: "Yes, Representative, it is and I'm proud to present it in front of this austere Body."

Lang: "And... And... austere? And this is during the period of time you've been here, the whole period of time you've been here, this is your first Bill? It's not the first Bill you've been involved in though, is it? You have been involved in other Bills?"

Davis, S.: "I've been involved in other Bills, Representative. This the first one that's made it to Third Reading."

Lang: "Right. So, we might call this Fester's first?"

Davis, S.: "That's up to the discretion of the questioner."

Lang: "I... I was.. Oh, we have a new Speaker. Hello, Speaker."

Speaker Brunsvold: "Representative Brunsvold in the Chair."

Lang: "So, Representative Davis, I... I was busy while you were explaining, while you were explaining... thank you very

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

much, while you were explaining this Bill to Mr. Black. Could you tell me what this Bill does? And please make sure that the young men and women in the Gallery hear you. They want to hear government in action."

Davis, S.: "This is definitely government in action, believe me. One more time, Representative, what the Bill does, it fills a problem that was not addressed in the Vehicle Code, originally. It addresses the fraudulent misuse of disabled motorist decals. And it establishes a penalty of a Class C misdemeanor, which carries a potential sentence of up to 30 days in jail, two years of probation, or a fine of up to \$500 for anyone violating the law."

Lang: "And so if I take one of these decals, and I'm not disabled, and I put it on my windshield, and use it, I could be guilty of a Class C misdemeanor, correct?"

Davis, S.: "That's correct, Representative."

Lang: "What is the current... "

Davis, S.: "And I hope that you wouldn't do that."

Lang: "What is the current penalty for parking in a disabled parking space, if I don't have the decal?"

Davis, S.: "I believe that the current penalty provides for a fine of up to \$100."

Lang: "And so it's a more serious... It will be a more serious offense to not display the decal than it will be to park in the parking space?"

Davis, S.: "Yes, Representative, I believe it would be, especially if you were using a counterfeit decal. And especially if you were not authorized to use the decal."

Lang: "I see. Wouldn't it be just as easy to issue some decals that have the disabled thing and put a red line through it?"

Davis, S.: "I don't know what that purpose... what purpose that would serve."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Lang: "Like not disabled. No?"

Davis, S.: "No."

Lang: "No. That's not part of your approach here?"

Davis S.: "No, Representative."

Lang: "I see. Can Representative Dart help you? He seems to be back there with you."

Davis, S.: "I believe he might."

Lang: "Well, I have some grave concerns about this. I can't believe that the Representative would choose such a issue, as House Bill 149, to have his first Bill. Perhaps when we talk about government in action, that should be one word 'inaction', not two words. But I want to hear the rest of the debate. I certainly hope they'll continue to grill, I mean question you, relative to this very important piece of legislation. Thank you very much."

Davis, S.: "Thank you, Representative."

Speaker Brunsvold: "The Gentleman from Jackson, Representative Bost."

Bost: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "The Sponsor will yield."

Bost: "Representative, I did not realize that this would have been your first Bill today, but I am not up to harass you. I really do have some questions on the Bill. Of course being of the same class, I would like to know... you know... I passed my first Bill quite a long time ago. But you got a Chairmanship before I did, so it's amazing how that works."

Davis, S.: "Would you like to hear the explanation of the Bill again?"

Bost: "No, I think I know the explanation. I have been around long enough to understand that. But I do need, I do need to find out. On this Bill, when these permits are issued,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

and you say a family member uses them to use the parking space that it was issued for another family member. How do we know? Is there a permit or a card that's issued to the person that is disabled so that if a police officer says, you know, 'Are the recipient of this'?"

Davis, S.: "Well, Representative, I can answer you through personal experience. My mother-in-law has a handicapped parking decal that hangs from her mirror of her car. Unfortunately, she is not able to drive. So, therefore, my wife and her sisters have to drive my mother-in-law to various functions, to the doctor, to the store. And under those conditions, that handicapped sticker is issued to my mother-in-law, even though she can not drive, even though it is her car. Now, anybody can drive the person that the decal is issued to. However, this Bill, actually, is going after people who are using expired decals. They're moving them from person to person just because of the sheer laziness of the fact that they don't want to park in a regular parking space. They want to park in a handicapped parking space to get closer to the store."

Bost: "So, this Bill does not deal with the fact if someone is a member of the family that is using... but they are not the disabled person, but is using the decal to park in those handicapped parking spaces?"

Davis, S.: "That's correct. That's the intent of the legislation, not to penalize family members who are using it to transport the disabled person."

Bost: "No, that... I think you are misunderstanding the question. If a family member, without the disabled person, is using the vehicle and decides to park in a handicapped parking space, even though the person that is handicapped is not with them, are they in violation?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Davis, S.: "No, Representative, that's not the intent of this piece of legislation."

Bost: "Okay. Thank you."

Speaker Brunsvold: "Any further discussion? Seeing none, the Gentleman from Madison to close."

Davis, S.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think that this is a very straightforward piece of legislation and I would urge an 'aye' vote."

Speaker Brunsvold: "The Gentleman has moved for the passage of House Bill 149. All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. Representative Black, for what purpose do you rise?"

Black: "Yes, thank you very much, Mr. Speaker. Should this get the requisite number of votes for passage, I may exercise my right to a verification."

Speaker Brunsvold: "Yes, Sir. House Bill 14... Mr. Clerk, take the record. On that question, there are 116 'ayes', 0 'noes', 0 'presents'. House Bill 149, receiving a Constitutional Majority, is here declared... is here declared passed. House Bill 161. Representative Mautino. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 161, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of this House Bill."

Speaker Brunsvold: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 161 would add one more additional treater to the category that's already listed for the Licensed Professional Counselors. It would allow them to be paid if an insurance policy says that they do have coverage for those specific treatments. And I would be happy to answer any questions, ask for an 'aye' vote."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Speaker Brunsvold: "On that question, the Gentleman from Vermilion, Representative Black."

Black: "No, Mr. Speaker, I don't wish to be recognized on this Bill. Once again, you have violated the rights of the Minority. I clearly said before you took the record I might exercise my right to do a verification of that Bill. You totally ignored my request. I don't believe there were 116 votes really on that Bill, but you've stripped me of my rights. I have, you wouldn't even let me poll the absentees, Mr. Speaker. I'm ashamed of you. You're new in the Chair. I'll overlook it this time, but please don't make that same mistake again."

Speaker Brunsvold: "I am totally at fault, Representative. It was my error. I am sorry, I apologize. On the question, Representative Cross from Kendall."

Cross: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "He'll yield."

Cross: "Representative, it's a little chaotic in here. I don't think anyone on this side heard your explanation of the Bill. Do you mind repeating it again?"

Mautino: "Certainly. What this Bill does, it currently under the law, if you have a policy which has coverage for mental, emotional, there are certain categories of people who are allowed to be paid. A psychiatrist, a psychologist, or a licensed social worker are the three categories now which can be paid. In your policy, if it is specifically there that you can have this type of coverage, so it's controlled by the policy. This adds a licensed professional counselor to the list of people who can be paid. So it gives a patient a choice to go to a counselor if they have a stress-related disorder, but it just opens up the treaters that are allowed to the customers or policyholders."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Cross: "Representative, our concern, I guess on this side of the aisle at least for some of us, is that we are potentially setting up situations where patients would be treated by individuals not qualified under this language. The thought, at least, is that licensed clinical professional counselors, at least their qualifications are overly broad. Could you explain to us or provide for Members of the House what the qualifications are to be a licensed clinical professional counselor?"

Mautino: "Certainly. As a matter of fact, they are listed in the Bill itself and the provision of professional counseling and mental health services includes, but is not limited to, the application of clinical counseling theory and techniques to present and alleviate mental and emotional disorders and psychopathology and to promote optimal mental health rehabilitation, treatment, testing, assessment, and evaluation. Also includes clinical counseling and psychotherapy in a professional relationship to assist individuals, couples, families, groups, and organizations. I guess what we're saying on this Bill is in many areas we have, you have the option, and I have full faith in the psychiatrists that are out there and the social workers are doing a great job, but the licensed professional counselors provide a service dealing with many of these areas and they are more available and more accessible throughout certain parts of the state, where you may not have a psychiatrist available. But all of these people are trained and fully understand that they cannot prescribe the medications and they can recognize, through their training, their masters degrees, and their certifications, when they should refer to a well-qualified psychiatrist, psychologist for more problems, more extensive problems than they may address in

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

their normal life."

Cross: "Representative, apparently there was some opposition at the time of the committee hearing from a variety of organizations. Do you know who, if any, what, if any, groups oppose this Bill today?"

Mautino: "Actually the formal names don't come to mind, but I can tell you that they are the groups that are currently allowed to be paid where the customers can currently choose. This is the same argument that happened when licensed professional social workers were included into this Act. I believe the Medical Society had some questions and reservations about the quality of care, and the clinical social workers did not put in a slip of objection, but I did believe that they had some questions on it."

Cross: "Frank, are we, I mean, aren't we setting ourselves up for problems? If someone some severe mental illness, or mental illnesses, wouldn't we want either a psychologist or psychiatrist treating us? Why would we want to, as I said earlier, broaden it to have someone underqualified treating these types of problems? It doesn't make a lot of sense."

Mautino: "Well, actually what you're talking about in this is we are not saying that you can't go to a psychologist or a sociologist, that is in the Bill and, provided that your insurance policy already provides that you have that coverage. You may choose at any time to go to a psychologist or a sociologist or a psychiatrist. All this simply does is it allows the person who's receiving the treatment to choose between, for example, maybe there's no medication that's necessary and the policyholder would like to go and is having some problems with stress and believes that maybe some stress therapy can help them cope with their everyday life, make them more effective in their

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

workplace, and they can do this. It's not as expensive, and it is actually the treatment that they need. But each of those counselors realizes that if there's a requirement for more extensive therapy they will definitely refer."

Cross: "Frank, if I am covered by an HMO this Amendment would not affect that, is that correct? Because my understanding is the HMO Act was not amended under your Bill?"

Mautino: "I would have to take a look and see if it was specifically in there. I don't have the language here."

Cross: "If I'm reading the Bill correctly nor would it apply to self-insured plans, small employer group insurance plans or the State Employee Group Insurance Act."

Mautino: "Well, actually you know who this applies to? And that's a great point because there's been a lot of Bills which have come out on the Floor which are going to mandate certain coverages. This Bill mandates nothing. This Bill only takes place if your employer has said, 'we already offer this policy'. You see, Tom, what you're running into is the old question of 'whose ox gets gored'? Currently, three groups are allowed to get paid because I as an employer have selected to provide these benefits. This is a fourth group who is traditionally and, actually in fact, less expensive and more accessible for some of the smaller problems that may be addressed in this, in the course of a policy that I as an employer have already selected to provide for my people. This gives them a choice."

Cross: "Representative, just a couple more quick questions and I appreciate you spending all this time on it. Can you tell us, just so we know, what groups are opposed to this?"

Mautino: "Actually, and I've had just the contact from committee. I believe that there was an objection slip filed from the psychologists and the Med. Society, and the sociologists,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

basically the people who currently are allowed to get paid under an insurance policy that I, as an employer, have decided to give."

Cross: "Mr. Speaker, if we could also request a verification in the event this Bill gets the requisite number of votes. We request that verification."

Speaker Brunsvold: "Yes. Yes."

Cross: "All right, I have no other questions, thank you."

Speaker Brunsvold: "Seeing no further discussion, the Gentleman to close."

Mautino: "Thank you, Mr. Speaker. I appreciate an 'aye' vote on this legislation. It is not a mandate, we are bringing the ability for that policyholder to seek treatment which has been granted and is controlled by his policy in sometimes areas where there's not a whole lot of other medical care accessible. I appreciate an 'aye' vote."

Speaker Brunsvold: "The Gentleman has moved for the passage of House Bill 161. All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, take the record. The Gentleman has requested a verification. Representative Cross, persist in the verification? The Gentleman persists in his verification, the Clerk will read the Affirmative Roll Call."

Clerk Bolin: "A poll of those voting in the Affirmative. Acevedo. Boland. Bradford. Brosnahan. Brunsvold. Bugielski. Burke. Capparelli. Coulson. Crotty. Currie. Curry. Dart. Davis. Davis. Deering. Deuchler. Erwin. Fantin. Feigenholtz. Flowers."

Speaker Brunsvold: "Representative Jones, have you verified? Lou Jones, okay."

Clerk Bolin: "Flowers. Fritchey. Gash. Giglio. Giles.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Granberg. Hannig. Hartke. Hassert. Holbrook. Howard.
Jones, Lou. Jones, Shirley. Kenner. Lang. Leitch.
Lyons, Joseph. Mautino. McCarthy. McGuire. McKeon.
Moore, Eugene. Morrow. Harold Murphy. Novak. O'Brien.
Persico. Phelps. Pugh. Ronen. Santiago. Schakowsky.
Schoenberg. Scott. Scully. Silva. Skinner. Slone.
Smith. Stephens. Stroger. Turner. Weaver. Winkel.
Woolard. Younge. Mr. Speaker."

Speaker Brunsvold: "Questions of the Affirmative Roll? Before
that Representative Lopez votes 'aye'. Excuse me, do not
record that, Mr. Clerk. Representative Cross, questions?"

Cross: "Is Representative Bradford in the Chamber?"

Speaker Brunsvold: "Representative Bradford's in his seat."

Cross: "Representative Leitch?"

Speaker Brunsvold: "Representative Leitch? Representative
Granberg is at the door, does he have leave to be verified?
Representative Leitch? Representative Leitch not in the
Chamber, please remove him."

Cross: "Representative Giles?"

Speaker Brunsvold: "Representative Giles, Calvin Giles? Calvin
Giles in the House Floor? Please remove him, Mr. Clerk."

Cross: "Representative Stroger?"

Speaker Brunsvold: "Todd Stroger is in the back of the aisle."

Cross: "Representative Pugh?"

Speaker Brunsvold: "Coy Pugh, Representative Pugh? Is Mr. Pugh
in the Chamber? Please remove him."

Cross: "Representative Gash?"

Speaker Brunsvold: "Representative Gash is in her chair."

Cross: "Representative Erwin?"

Speaker Brunsvold: "Representative Erwin is at the door."

Cross: "Representative Stephens?"

Speaker Brunsvold: "Representative Stephens? Representative Ron

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Stephens? Please remove him."

Cross: "Representative Capparelli?"

Speaker Brunsvold: "Representative Capparelli? Representative
Capparelli? Please remove the Gentleman."

Cross: "Representative Schoenberg?"

Speaker Brunsvold: "Representative Jeff Schoenberg? He's on the
telephone, is that acceptable? He's at the door. He just
waved at us."

Cross: "Representative Santiago?"

Speaker Brunsvold: "Miguel Santiago, Representative Santiago?
Right at the front of the Well. Right down front."

Cross: "If we could have one second. Representative Scully?"

Speaker Brunsvold: "Representative Scully? Representative
Scully? Right there at his desk. Representative
Capparelli has returned, please add him to the Roll.
Barbara Currie, Majority Leader, would like to be
verified."

Cross: "That's fine, Mr. Speaker."

Speaker Brunsvold: "The Gentleman has finished his Roll Call.
Clerk take the Roll for the record. On that question,
House Bill 161 received 63 'yes', 49 'noes', and 0 voting
'present'. And that Bill, having received a Constitutional
Majority, is hereby declared passed. Mr. Clerk, what's the
status of House Bill 1552?"

Clerk Bolin: "House Bill 1552 is on the Order of House Bills -
Third Reading."

Speaker Brunsvold: "Please return that Bill to Second Reading.
What's the status of House Bill 725?"

Clerk Bolin: "House Bill 725 is on the Order of Third Reading."

Speaker Brunsvold: "Please return that Bill to Second Reading.
What's the status of House Bill 860?"

Clerk Bolin: "House Bill 860 is on the Order of Second Reading."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Speaker Brunsvold: "Thank you. Thank you, Mr. Clerk. House Bill 244. Representative Pankau, with House Bill 244. Mr. Clerk, please read the Bill."

Clerk Bolin: "House Bill 244, a Bill for an Act to amend the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985. Third Reading of this House Bill."

Speaker Brunsvold: "Representative Pankau."

Pankau: "Thank you, Speaker. No, Chuck, I'm not going to get on the chair. House Bill 244 is the initiative of a lady in my district who does nails as a profession. She is licensed by the Department of Regulation and Registration. Earlier this year as she was filling out her application for renewal of her individual license, she asked me how come there was a portion on this slip that indicated that the department was going to begin to license, not only herself as the professional, but also her business. I told her I didn't know. So I started looking into it. And back in 1995 when we passed the sunset for this, all-encompassing Bill, there was a little provision that was added to that sunset Bill that allowed the Department of Regulation and Registration to, not only license the individual, but to license the business of the professional, also. I don't believe that that's fair. And that's why I'm bringing this Bill before you. This Bill would take out, from that sunset provision, the ability for the department to... the initial Bill would have taken away the ability to register, and also the ability to collect an additional fee. The Amendment that is put on it at committee would allow the department to still register the business, but would not allow them to collect an additional fee. So with that, I ask for your support of House Bill 244, and stand ready to answer any questions."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Speaker Brunsvold: "The Gentleman from Cook, Representative Lopez."

Lopez: "Thank you, Mr. Speaker. I rise to, for the record I would have voted 'aye' on House Bill 161. My switch didn't seem to be working at the time."

Speaker Brunsvold: "It will be so recorded. Thank you, Representative. Any questions of the Sponsor? The Gentleman from Effingham, Representative Hartke."

Hartke: "Yes, will the Sponsor yield?"

Speaker Brunsvold: "The Sponsor will yield."

Hartke: "Representative, I'm a little curious, Amendment #1, according to my analysis here, deletes the provision that does not require the salon to display a certificate. Why not?"

Pankau: "It deletes the provision that they don't have to have a certificate for the business, not for the individual. The individual, John Smith out there, still has to show his original certificate, that he as the professional has applied for, has paid a fee for. But, there would be no reg... there would be a registration of the business, but no fee attached to it. And they wouldn't have to show that. In other words, the department can make a list of the businesses out there, but they can't charge anything for it, or they can't make any rules about it."

Hartke: "So if this business sells nail polish, she does nails right?"

Pankau: "Yes."

Hartke: "If she sells nail polish and some other commercial thing, she wouldn't have to qualify as a business to provide the sales tax to the State of Illinois. Or, you're saying that this individual just uses products that are not for resale?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Pankau: "No, I'm not saying that at all. This individual would not have to display a certificate that was from the Department of Regulation and Registration. You're talking a sales tax certificate, and that, of course, would have to be displayed."

Hartke: "A business certificate."

Pankau: "Right. And any municipal business licensing, they would have to display that; any inspections by the Health Department, they would have to display that."

Hartke: "Okay, I have no further questions."

Speaker Brunsvold: "The Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "The Sponsor indicates she will yield."

Schakowsky: "You seem to be indicating that, was this a mistake, was the Bill originally drafted erroneously to include the shop owner, as well?"

Pankau: "I might consider it a mistake, but, no. The department and the associations meant to put that in there, in the sunset Bill. There is opposition to this Bill. The Department of Regulation and Registration is opposed to it, and also the Cosmetology Associations. They basically feel that they want that additional hammer against the employer that would dare to hire somebody who didn't apply for their individual license. They wanted an additional hammer against those people. And to do that, they want to go back against the business owner. However, I feel that the department should stick to registering people, and stay out of people's individual businesses. We have enough of that on the municipal level and everywhere else. The state should not be involved."

Schakowsky: "If a shop were to employ somebody who does not have

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

the appropriate certification, currently under the law, would there be some responsibility then, on the part of the business? Would they have to pay a fine? Would they be violating the law?"

Pankau: "Currently under the law, because this provision is in it, technically, yes. But the department has never, has never registered them, has not enforced it, has not charged anything. So in reality, the answer is, no."

Schakowsky: "Okay. I know that there are a number of people who do nails who may be foreign-born, coming to this country, and it would seem to me than that if a shop owner hires them, maybe at a lower price, they're not aware of the requirement that the individual isn't aware that they have to be certified. It seems to me that all of the brunt then of enforcement would come down, solely, on that one individual, on the individual who was hired. Is that true?"

Pankau: "Yes."

Schakowsky: "So, it does seem to me that the owners have a certain responsibility to make sure that they're hiring certified people. Is that really the effect of the original law, and would that be removed in the change?"

Pankau: "That would not necessarily be removed in the change, because the department would still have the right to register the business. In other words, they could send out a form and they can fill out the form. With the Amendment it eliminates the extra money. Being a sometimes skeptical person that I am, I wondered if the department was really sincere about the health, safety, and welfare of the public in doing this, or if they really just wanted the additional fee, if they wanted the additional money. That's why in the Amendment the registration stays in, but the money

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

comes out."

Schakowsky: "Okay, I see. It's just... your Bill eliminates the fee that goes with the certification. But the responsibilities still remains for hiring certified people, and the same provisions could be enforced. How much money are we talking about that the business has to pay? What are the fees?"

Pankau: "Well, there are no fees in place right now. So you're not losing any income. The department was talking about \$40 a business, for a year. I don't think it's a... I've never perceived it as a matter of the money, or a matter of the fee as a dollar amount. It's basically the principle behind it. Why are we, as the state, getting involved in individual people's business, small businessmen that are basically having a tough enough time as it is? In other words, this was just one more layer of bureaucracy, and I think we can do without it."

Schakowsky: "Okay. But, all I'm saying is, I just want to be sure that this doesn't give the state license to just go after these individuals who have been hired to do a job. Presumably the business owner is more informed about the requirements, in some cases, than that individual. I don't want that individual to be hanging out there by themselves. Is there still some responsibility on the part of the owner, or no?"

Pankau: "On the part of the owner, or on the part of the individual?"

Schakowsky: "No, I know there's responsibility on the part of the individual. Does the person who hired them have any responsibility, now, under your Bill?"

Pankau: "Any more responsibility than they had before?"

Schakowsky: "No, any less?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Pankau: "Any less, no. Same amount."

Schakowsky: "Okay, good. Thanks."

Speaker Brunsvold: "The Gentleman from Cook, Representative Lang."

Lang: "Thank you. Will the Sponsor yield?"

Speaker Brunsvold: "She will yield."

Lang: "Representative, if I'm reading this correctly, there's no enforcement mechanism. Is that correct?"

Pankau: "Correct. On the business certificate, not on the individual."

Lang: "Well, doesn't that render the Bill, sort of, toothless? If we can't enforce it, why do it?"

Pankau: "The Bill or the department? It would render the department toothless in this particular instance, which is what I wanted to do anyway."

Lang: "Well, then why have a department? Why don't you just abolish DPR?"

Pankau: "Maybe that will be in the next Bill."

Lang: "Well, it's a serious question. They exist for a reason."

Pankau: "They exist for a reason to regulate and regulate professionals, individuals, for the health, safety and welfare of the people of the state. But I don't feel that they should be in the business of registering and licensing businesses, the businesses that are behind it. Our municipalities do that enough. The City of Chicago has enough business licenses, and it does enough enforcement that they can do it and the state doesn't have to."

Lang: "Well if you don't feel that the state should license these businesses, then will we see more such Bills from you for other professions? And if that is the case, why don't you just do one Bill that just takes away that privilege?"

Pankau: "May you see others, probably, yes. This is where I

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

started because this is the one that came to my attention."

Lang: "But if when it came to your attention, you saw that the current law of the State of Illinois is lacking, why don't you change all of the law of the State of Illinois that relates to the same issue?"

Pankau: "Because I wanted to start somewhere. This is a place to start."

Lang: "Thank you. Ladies and Gentlemen of the House, I'm not sure I agree with the Representative that the department should not be doing this. More to the point, the real issue for me is, why should we pick and choose these things? If the Representative believes that the department should not be involved in business licensing, then we should have a Bill that abolishes that privilege from DPR. Otherwise we have hundreds of businesses, hundreds of professions that DPR regulates. We could see hundreds of these Bills, one, by one, by one, by one. And then you'll hear me drone on, and on, and on, and on, on each of them needlessly. My suggestion is that we have one Bill that does this, vote it up or down, and let's not nitpick at each individual industry in the State of Illinois, or each individual occupation in the State of Illinois."

Speaker Brunsvold: "The Gentleman from Washington, Representative Deering."

Deering: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative, you testified in debate just a little bit ago that the department is not enforcing this provision under the current statute. Can you tell us why?"

Pankau: "They haven't begun to even make... they started to request from the businesses that they send in for the form to register their business. So they haven't determined a fee yet; they haven't certified anybody yet; and they

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

haven't been doing any enforcement because they just didn't get around to it yet. That was the explanation they gave me."

Deering: "Well, is it not true, Representative, that the reason they haven't started enforcing and collecting fees, is we just passed this, I think, last year. And they're in the process of setting up rules, administrative procedures, so they haven't had an opportunity to start working in this procedure. Is that not correct?"

Pankau: "That was not the explanation that they gave me. What I was told was they just had not gotten around to it yet."

Deering: "I believe, when this Bill passed, I think it was Representative Saviano's Bill originally, I think it passed unanimous. Is that not correct?"

Pankau: "No, on both counts. This was not Representative Saviano's Bill. And I believe there were 15 'for' and 4 'against'."

Deering: "I'm talking about the original concept of when we did this licensing package last year. I believe this was part of a comprehensive package that passed unanimous. Is that not correct?"

Pankau: "Oh, you mean the sunset Bill? Yes, it passed unanimously, and yes I voted for it. I didn't know this was in there."

Deering: "Is the department going to be required to enforce, or to issue certificates of registration under your proposal?"

Pankau: "Is the department going to be required, no. They can ask for certificates of registration, under my Bill. They just can't ask for money, any additional fee along with it."

Deering: "So, they would be issuing certificates, processing the procedure and not receiving any compensation for that. Is

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

that correct?"

Pankau: "Yes."

Deering: "Thank you, Representative."

Speaker Brunsvold: "Any further discussion? Seeing none, the Chair recognizes the Sponsor, Representative Pankau, to close."

Pankau: "Thank you, Speaker. One of the Representatives alluded to the fact that, why didn't I just put this all together in one Bill? There are some other professions, after I introduced this Bill, that I found out that we do register the businesses for. There are also a whole bunch of them that we don't. So we, as a General Assembly, have already started to pick and choose. I ask for your support on this Bill because I think we should be in the business of registering people and not businesses. Thank you."

Speaker Brunsvold: "The question is, 'Shall House Bill 244 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 32 'ayes', 76 'noes', 7 voting 'present'. And the Bill, having failed to receive the Constitutional Majority, is hereby declared lost. Mr. Clerk, what's the status of House Bill 1042?"

Clerk Rossi: "House Bill 1042 is on the Order of House Bills - Third Reading."

Speaker Brunsvold: "Move that Bill back to Second, please. The Chair now moves to House Bill 248. Representative Hartke. Clerk, please read the Bill."

Clerk Rossi: "House Bill 248, a Bill for an Act concerning highways. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Effingham, Representative Hartke, is recognized."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Hartke: "Thank you very much, Mr. Speaker, Members of the House. House Bill 248, is a piece of legislation brought to me by the Township Officials in Illinois. As you know, township road districts qualify for Motor Fuel Tax. And many of the townships that are quite small, that have adopted the tax cap legislation, can no longer qualify for some of the Motor Fuel Tax reimbursement, in the State of Illinois by the Department of Transportation. What this piece of legislation would do would hold them harmless against that formula. Because before that had to raise a certain amount of money to qualify for this. But tax caps now inhibits that ability. It passed committee without any opposition. And I would be happy to answer any questions that you might have."

Speaker Brunsvold: "Is there any discussion? Representative Currie, the Lady from Cook."

Currie: "Thank you, Speaker, and Members of the House. I think you should look at this pretty carefully. We impose tax caps in some counties and some counties have chosen to cap their own taxes. What this Bill says is, when they don't want to go to referendum, at the local level to increase the taxes beyond the cap, they nevertheless will be able to take advantage of road district funds for local purposes. So, essentially, what we're doing is saying the state taxpayers will pick up the slack, because of caps and because of the inability or unwillingness of the local folks to tax themselves to make sure they have enough money to access these Road Fund dollars. Now I don't know about you, but my understanding was that our problems with highway funding in Illinois are pretty serious. And I'm not sure that it is a good idea to say that the state highways should now take a backseat through a Bill like this to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

local roadways. Particularly, a time when we are being asked to consider the prospect of substantial increases in revenues, to solve the highway and bridge problem. So, I know that the Sponsor is well-intentioned. And I'm sympathetic to the folks at the local level. I'm sympathetic, because it seemed to me from the beginning the property tax caps should not of been imposed by us. But it seems to me if we pass measures like this, we are permitting the tax cap fever to pinch our own toes in our own shoes, not pinch the folks at the local level, which I thought was the point in the first place. So, I suggest a very careful look at this Bill. I know there is a problem. But I'm not sure this is the right solution."

Speaker Brunsvold: "The Gentleman from Kendall, is recognized."

Cross: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he'll yield."

Cross: "Well, before I get to that. An Inquiry of the Chair.

Can someone advise us to the status of Floor Amendment #2?"

Hartke: "I can answer that. Floor Amendment #2, was an initiative of the Illinois Municipal League to also bring in under this proposal small townships, excuse me, small cities in the area. This Amendment will, with the agreement of the Illinois Municipal League, will be introduced in the Senate. It is now in Rules and it'll just stay there. We'll add that Amendment in the Senate."

Cross: "So, Floor Amendment 2 has not been adopted?"

Hartke: "No, it has not been adopted."

Cross: "Chuck, I'm supportive of your concept and of this Bill. I just want to make sure we have some things cleared up. This is not a tax increase, is it?"

Hartke: "It is not, absolutely, a tax increase. The Department of Transportation is not opposed to this Bill at all.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

They saw the technical problem that Tax Caps did create. And many of the townships cannot collect enough money because of the tax caps to qualify for this anymore. They were collecting to the maximum amount before, but now this puts them below that."

Cross: "And there is, absolutely, no fiscal impact to the state as well?"

Hartke: "There is no fiscal impact to the program beyond, what it did before."

Cross: "Let me ask you a couple other questions. My... Our analysis, I just want to make sure this is accurate so people know. The proponents and supporters of this Bill include, The Farm Bureau, The United Counties Council, IDOT, The Illinois Association of County Engineers, and as well The Township Officials. Is that your understanding?"

Hartke: "Absolutely. There was no opposition to it in committee. The Municipal League had a little problem with it, to start with, in some of the wording. But that's what the Amendment #1 did, was clarify that. And now they want on board, as well."

Cross: "So, I don't have any other questions. I've... well actually, I've got Representative Deering motioning for someone to ask a question, maybe... I hope this is a good Bill, Representative Hartke. I hope it passes."

Speaker Brunsvold: "Thank you, Representative Cross. Just for the Members in the back on the Republican side of the aisle is former Member, John Hallock. John, please raise your hand. Welcome back. Former Republican Member, John Hallock. Representative Deering, the Gentleman from Washington, with a question of the Sponsor."

Deering: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he'll yield."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Deering: "Is there a backdoor referendum in this, Bill?"

Hartke: "No there's no referendum at all."

Deering: "Is it taking money out of the Road Fund?"

Hartke: "It takes no more money out of the Road Fund than it did before. This is Motor Fuel Tax that was allocated for counties and townships and municipalities. Now we're just insuring that those townships continue to receive the same money they did before tax caps were imposed."

Deering: "Thank you. I have no further questions."

Speaker Brunsvold: "The Lady from Cook. She does not wish to question the Gentleman. Any other, any further discussion? Seeing none, the Gentleman from Effingham to close."

Hartke: "I would just ask for your support on House Bill 248."

Speaker Brunsvold: "The question is, 'Shall House Bill 248 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, take the record. On that question, there are 96 'yeses', 15 'noes', 6 'presents'. And the Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk with some announcements."

Clerk Rossi: "Committee Reports. Representative Currie, Chairman from the Committee on Rules to which the following Amendments were referred, action taken on April 9, 1997. Reported the same back with the following recommendations: 'Be adopted' Amendments 2 and 3, to House Bill 596. Amendment 1, to House Bill 687. Amendment 1, to House Bill 718. Amendment 2, to House Bill 748. Amendment 1, to House Bill 845. Amendment 2, to House Bill 865. Amendment 2, House Bill 923. Amendment 1, to House Bill 1261. Amendment 1, to House Bill 1444. Amendment 1, to House Bill 1746. Amendment 1, to House Bill 1760. Amendment 1,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

to House Bill 1840 and Amendment 1, to House Bill 1818. Representative Stroger, Chairman from the Committee on Local Government to which the following Resolution was referred, action taken on April 9, 1997. Reported the same back with the following recommendation: 'Do pass Short Debate' House Joint Resolution Constitutional Amendment #4."

Speaker Brunsvold: "House Bill 275."

Clerk Rossi: "House Bill 275, a Bill for an Act to amend the Property Tax Code. Third Reading of this House Bill."

Speaker Brunsvold: "The Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker, Ladies and Gentlemen. House Bill 275 would abate property taxes for a research institute in my district, in Des Plaines. The district formerly... it's the Institute of Gas Technology. For 50 some years the institute had a building that they owned on the property of IIT Campus. In 1993, they decided to move off that campus and sought from the Department of Revenue a special exemption that would be similar to what they had had on IIT Campus. There are 401-C3 that does research that's free. They give away their patents. The Department was unclear as to what they would do but I think they felt confident they were going to get it subsequently. They moved into a vacant facility in Des Plaines, formerly known as DeSoto Chemical Company that was a good fit for what they do. They also had the option of moving to Texas, Louisiana, or Oklahoma who was seeking them out to come because of the work that they do. They would be considered similar to an incubator as far as doing environmental research giving away their patents. For a great number of years they were working on cleaning up coal until the Federal Government removed the money and the state stopped

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

funding it. They are a not-for-profit. Because they could not come to resolution with the Department of Revenue about making them tax exempt, the City of Des Plaines and their economic development corporation sought to have something happen so that we could rebate their property taxes. They have gone to all the local community entities. They've struck a deal with the high school district in order to have visiting professors and people come to the institute to be part of their classes. And basically what had happened with property when DeSoto Chemical Company sold it was vacant for four years. They divided the parcel up, one parcel went to a Sam's Club. Another parcel is empty that the institute owns and will continue to pay property taxes on and the institute is the only thing we're asking to not have taxes... property taxes on. And Sam's Club pays more property tax and sales tax than the whole of DeSoto Chemical Company paid before. This would allow them to have an abatement of property taxes for 15 years at no more than \$5 million advocate for all of the 15 years. And we would seek your favorable approval on this and I would be happy to answer any questions."

Speaker Brunsvold: "Is there any questions? The question is, 'Shall House Bill 275 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 'ayes', 0 'noes', 0 'presents' And the Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 272."

Clerk Rossi: "House Bill 272, a Bill for an Act amending the Township Code. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Effingham is recognized,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker and Members of the House. This again is a piece of legislation brought to me by the township officials and it deals with quite a complicated issue about townships and cities that are coterminous. When a township wants to become disconnect from a municipality that is coterminous it must have an agreement between both of those units prior to the disconnection between the two. The transfer does not affect the city's status as a city with the coterminous township. I would be happy to try to answer any questions that you might have."

Speaker Brunsvold: "Is there any discussion? Seeing none, the question is, 'Shall House Bill 272 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 'ayes', 0 'noes', 0 'presents'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, what's the status of House Bill 1613?"

Clerk Rossi: "House Bill 1613 is on the Order of House Bills Third Reading."

Speaker Brunsvold: "Please, move that Bill back to Second Reading. House Bill 313. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 313, a Bill for an Act to amend the Illinois Pension Code. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Cook, Representative Turner, is recognized."

Turner, A.: "Thank you, Mr. Chairman. I mean, Mr. Speaker, Ladies and Gentlemen of the Assembly. House Bill 313, is a Bill which codifies the pension formula and what it does is

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

it adds to the State Employee's Pension Code, the arson investigators. And what it is is that there is an alternative pension formula for state employees that is currently paid to state employees. And it is my assumption and the assumption of others that arson investigators do a like duty and it is to that end that we ask that they be considered in the alternative pension formula."

Speaker Brunsvold: "Any discussion? The Gentleman from Vermilion, Representative Black, is recognized."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Brunsvold: "He indicates he will yield."

Black: "Representative what pension plan would an arson investigator currently fall under? Say that, without your Bill, where are they now? What pension plan are they covered under?"

Turner, A.: "Hold on one minute. They're currently under the Office of the State Fire Marshall and... I'm not sure, Representative."

Black: "Well, what then is the alternative retirement benefit formula? I assume what your Bill does, and this is an assumption on my part, correct me if I'm wrong. It is taking people currently under the State Employees' Retirement System, SERS, moving a category of people, in this case arson investigators, over to the alternative retirement formula which is, what... state police?"

Turner, A.: "Yes, Representative."

Black: "Which is a better pension, right?"

Turner, A.: "I didn't hear the last part."

Black: "Which the state police alternative formula is a better pension system, correct?"

Turner, A.: "That's correct. That's correct."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Black: "Do you know why there..."

Turner, A.: "They're currently covered under the State Employees' Retirement System."

Black: "Right. Right. Do you have... have the Fraternal Order of Police indicated to you why they are opposed to the Bill?"

Turner, A.: "Representative, I didn't know that the Fraternal Order of Police was opposed to the Bill. In fact, I thought there was no opposition to the Bill."

Black: "I... Representative, the concern that I have with the Bill is, we continue to move people from SERS to some other more beneficial formula rather than attack the problem, and that is the SERS Pension System needs to be revised. And until we keep the pressure on every Member of this Body, it hasn't been revised in 24 years. What we do is we take people out of SERS, move them into a better retirement system and my fear is, and if you could allay my fears, I would be most grateful, then that eliminates another pressure point to revisit SERS. That basic pension system is not very good and we've tried the last two or three years to fix it. We still haven't done anything. Now, am I going down the wrong road here? Or... if so correct me."

Turner, A.: "Representative, I would not say you're going down the wrong road, in fact, I would concur with you in regards to looking at SERS. But these particular individuals that I'm trying to help have been cut out of the Social Security coverage and it is because they have been excluded from Social Security coverage that we're trying to help them and we thought that an alternative would be to put them in the office of... put them in the retirement system with the state police."

Black: "How many people would this impact, fewer than 20?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Turner, A.: "Fewer than 20, Representative. There are 19 individuals and this particular proposal was also supported by the Pension Laws Commission."

Black: "Right. What's the first year liability about a quarter million?"

Turner, A.: "About 252 thousand, Representative. That's correct."

Black: "Is there anything in the out years and does it go up? What would the liability, say, be five years from now? Incremental or..."

Turner, A.: "I think it would be incremental, Representative. I believe this is the yearly cost would be 252 and I would just assume that it would be incremental."

Black: "All right. Thank you, Representative. I appreciate your indulgence in answering the questions and your forthrightness. Thank you very much."

Speaker Brunsvold: "The Gentleman from Kane, Representative Hoeft is recognized."

Hoeft: "Just a comment. I believe the genesis of this is an Attorney General's opinion that these individuals would have to be brought under this system. So we're just changing this in order to meet the needs of the Attorney General. Excuse me. Is that not correct?"

Turner, A.: "You're absolutely correct, Representative. These employees, the Attorney General has ruled that these employees do have full police powers and because of their exclusion from Social Security, he also recommends and goes along with this recommendation."

Hoeft: "State of Illinois could get in greater legal trouble if we do not pass this and so I think it's just common knowledge we got to get this thing done."

Speaker Brunsvold: "Seeing no further discussion, the Gentleman

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

from Cook, to close. Representative Turner."

Turner, A.: "Thank you, Mr. Speaker. I want... for the record I want the Members to know that..."

Speaker Brunsvold: "Excuse me, Representative. Representative Black, for what purpose do you rise? Representative Black."

Black: "Just a matter of Personal Privilege. I said the Fraternal Order of Police were in opposition to the Bill and I've been informed that a subsequent phone call said, they are not in opposition to the Bill. I just want to make that correction."

Speaker Brunsvold: "Thank you, Representative, for the information. Now, Representative Turner, to close."

Turner, A.: "That was pretty much my closing remark to let the Members know that I believe there is no opposition to this Bill. We're trying to aid 19 people, 20 people in this state who have been excluded from Social Security and trying to make life a little better for them in their old age. The Governor is supportive of this measure and we move for the adoption of House Bill 313."

Speaker Brunsvold: "The question is, 'Shall House Bill 313 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, take the record. On this question, there is 117 'ayes', 0 'noes', and 0 'presents'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 353. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 353, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of this House Bill."

Speaker Brunsvold: "The Lady from Kane, Representative Lindner,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

is recognized."

Lindner: "Yes, thank you, Mr. Speaker. House Bill 353 was brought to me by the Village of Big Rock, it's a Bill that would allow Big Rock two square miles to incorporate. I would be glad to answer any questions."

Speaker Brunsvold: "Any discussion on this piece of legislation? The Gentleman from Effingham, Representative Hartke, is recognized."

Hartke: "Will the Sponsor yield?"

Speaker Brunsvold: "She indicates she will."

Hartke: "Why is it necessary to pass legislation for this? Is there a state statute limit on the amount of square miles?"

Lindner: "Yes, I believe there is, Representative."

Hartke: "What is that limitation now?"

Lindner: "The current law is that, would you like me to read you the whole thing?"

Hartke: "Please."

Lindner: "The current law provides that whenever in any county of less than 150 thousand and any area of contiguous territory not exceeding two square miles not already included within the corporate limits of any municipality has residing therein at least 200 inhabitants living in dwellings other than those designed to be mobile and is owned by at least 30 different owners, it may be incorporated as a village. And then there are qualifications, there are criteria for that to be..."

Hartke: "Excuse me, would you repeat that, I couldn't hear you?"

Lindner: "I said, there are criteria following then as far as the number of electors and all that have to be in the village."

Hartke: "Representative, I remember in committee that you had a map, I think, that showed where this area was wanting to be incorporated. Is there anyone in the county that you know

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

of that's in opposition to this that is...?"

Lindner: "No. I haven't been contacted by anyone."

Hartke: "It's my understanding this is a new subdivision that's going up away from an area and they are wanting to incorporate their own. And they are separated by a number of miles. Isn't that correct."

Lindner: "Big Rock is a township right now and they just wanted the right to have their voters vote on whether they want to be incorporated or not."

Hartke: "I have no problem with this legislation."

Speaker Brunsvold: "Any further questions? The Gentleman from Vermilion, Representative Black."

Black: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "She indicates she will."

Black: "Representative, I have never heard you talk so softly. Three weeks ago, my heavens, you were literally dancing on your desk. And I haven't been able to understand one word you've said about this Bill. Now, either you're mumbling on purpose or you're doing something that I'm a little... is there anything about well diggers in this Bill?"

Lindner: "No, Representative, there is not anything about well diggers in this Bill. I will try and speak more succinctly and a little bit louder."

Black: "What township is this for? Is this special interest legislation?"

Lindner: "It's for Big Rock Township. No I think according to the case law it does not qualify as a special..."

Black: "I'm sorry, what did you say? Bebop Township?"

Lindner: "BR, Big Rock."

Black: "BR, Big Rock."

Lindner: "Big Rock, in the singular."

Black: "Oh, Big Rock Township."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Lindner: "Yes."

Black: "Why didn't you say that in the first place? That's a good idea. I'm all for that, thank you."

Lindner: "I did. I know... have you checked your hearing lately? Have you had your hearing checked lately? I would like to know, Mr. Black, if you are going to oppose all of my Bills? I noticed on that last pension Bill that you were one of three people that voted 'no'. And I want you to know that I don't appreciate that. I hope you will not be standing up every second that I present a Bill and ask me continuous questions on the subject."

Speaker Brunsvold: "The Chair would ask the Republican side of the aisle to please calm down. Any further discussion? The Gentleman from Cook, Representative Lang is recognized."

Lang: "Thank you. I would like to yield my time to Representative Black."

Speaker Brunsvold: "Representative Black indicates he is finished."

Lindner: "Representative Black, didn't hear you."

Speaker Brunsvold: "And he can't hear you. The Gentleman from DuPage, Representative Johnson, is recognized."

Johnson, Tom.: "Will the Sponsor yield?"

Speaker Brunsvold: "She indicates she will."

Johnson, Tom: "Pat, I have a note that the Kane County Board has taken a position in opposition to this Bill. Do you know, have they changed that position or not?"

Lindner: "I don't know. I haven't heard from them. I haven't been contacted by anybody."

Johnson, Tom: "Well, they actually sent out a copy of a Resolution on that. I just wondered if you had talked to them or what their reasons were."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Lindner: "I haven't talked to them but I think counties are generally not in favor."

Johnson, Tom: "Okay. So counties are not in favor."

Lindner: "I said, I think counties are generally not in favor of small towns incorporating."

Johnson, Tom: "Okay. Thank you."

Speaker Brunsvold: "Any further discussion? Seeing none, the Lady from Kane, to close."

Lindner: "I would just ask for a favorable vote, Mr. Speaker."

Speaker Brunsvold: "The question is, 'Shall House Bill 343 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record."

Lindner: "Thank you, Representative."

Speaker Brunsvold: "And on that question, there are 116 'ayes', 0 'noes', 0 'presents'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 358, Representative Novak. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 358, a Bill for an Act to amend the Residential Real Property Disclosure Act. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Kankakee, Representative Novak, is recognized."

Novak: "Thank you, Mr. Speaker, it's a pleasure seeing you in the Chair this afternoon. House Bill 358 is a cleanup in some technical language dealing with the Residential Seller Disclosure Act that I had the honor of being the Chief House Sponsor, dealing with the consumer protections and concerns of the Illinois Relators' Association. This is an Agreed Bill between the Relators' Association and Illinois State Bar Association. It redefines 'seller' under this

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Act concerning the Amendment. I'll certainly be happy to answer any questions."

Speaker Brunsvold: "Any discussion? The Gentleman from Kendall, Representative Cross, is recognized."

Cross: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "The Gentleman indicates he will yield."

Cross: "Excuse me, an Inquiry of the Clerk, real quick."

Speaker Brunsvold: "State your inquiry."

Cross: "Are there Amendments that have been... are there any Amendments that have been filed and if so, what is the status of those Amendments?"

Speaker Brunsvold: "Mr. Clerk, will you check the Amendments on this Bill."

Clerk Bolin: "Amendment #1, was adopted in committee. No Floor Amendments have been filed."

Cross: "Thank you. Representative Novak, we didn't hear a single thing you said about what this Bill does. Do you mind letting us... we couldn't hear. Tell us what it does."

Speaker Brunsvold: "Representative Cross, I have a little problem hearing what you said. Could you repeat that?"

Cross: "Would you mind telling us what you said earlier when you first spoke on the Bill?"

Speaker Brunsvold: "Please, Ladies and Gentlemen, give the Gentlemen some quiet."

Cross: "I didn't hear what he said."

Novak: "First of all I noticed, do you have a problem with your tie, Representative?"

Cross: "It's an older tie, you may recognize this tie. Do you Representative?"

Novak: "Are there some red colors in it?"

Cross: "Your eyesight is about as bad as your hearing. There aren't any red colors in it."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Novak: "Oh, I'm sorry. I thought..."

Cross: "I know that you remember that red tie."

Novak: "I think, yeah, I do kind of recall it. So do you."

Cross: "I remember it well."

Novak: "Okay. Well, Representative this is an Agreed Bill between the Illinois Relators Association and the Illinois State Bar Association. A few years ago we passed the Residential Seller Disclosure Act."

Cross: "Thank you, Representative. I... now, I... can hear you now, I remember what you said. I think this Bill passed out of committee unanimously, is that correct?"

Novak: "Yes it is. It's an Agreed Bill. It's a technical cleanup Bill on the current law and what it does is redefine 'seller'. And it's an agreement between, as I indicated the Bar Association and the Illinois Relators' Association."

Cross: "Thank you, I apologize, for that. I appreciate it."

Speaker Brunsvold: "The Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Mulligan: "Representative, how would this affect a relative that is selling a home, say an estate, for maybe a child for a parent who is deceased?"

Novak: "To my knowledge I don't think it has any effect on it."

Mulligan: "So what position would that put that seller in?"

Novak: "Well, the definition, let me just state the definition. It more or less tightens the definition of 'seller'. Seller means all owners, beneficiaries of a trust, contract purchasers, or lessees of a ground lease who have an interest either legal or equitable in residential real property. However, 'seller' does not include any person who has both, never occupied the residential real property

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

and (2) never had the management responsibility for the residential real property nor delegated such responsibility for the residential real property to another person or entity."

Mulligan: "All right, thank you. I'm still uncertain but I suppose a lawyer would clean that up."

Speaker Brunsvold: "Representative Novak, are we... have we finished?"

Novak: "Yes. Yes, Sir."

Speaker Brunsvold: "Okay. Any further discussion? Seeing none, the Gentleman from Kankakee to close."

Novak: "Yes, thank you, Mr. Speaker. I simply ask for a favorable support on House Bill 358."

Speaker Brunsvold: "The question is, 'Shall House Bill 358 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question, there are 117 'ayes', 0 'noes', and 0 'presents'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 155. The Gentleman from DuPage, excuse me. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 155, a Bill for an Act to amend the Liquor Control Act of 1934. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from DuPage, Representative Roskam, is recognized."

Roskam: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 155 is an initiative of the City of Naperville. They ran into a problem where there was a retail liquor establishment that was involved in selling liquor to minors. They were successful in their criminal

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

defense in using what I call the 'Ab Scam' defense. Remember the Congressmen who got busted and they... tried to make the assertion that they weren't, but in fact, selling secrets or taking bribes and so forth, in fact, the Congressmen were conducting their own investigation. Well, that didn't work with the FBI, but unfortunately it worked under the current statutes. What this would do in brief, is say that if you're going to do an internal sting operation, if you're a retailer and so forth, to make sure that you're not selling liquor to minors, that you would simply have an obligation to inform the local law enforcement agencies that that sting is under way. The Illinois Retail Liquor Association is neutral on the Bill as is the Illinois Restaurant Association. I think we've worked it out. It's non controversial, I'd be happy to answer any questions."

Speaker Brunsvold: "Is there any discussion on this... on House Bill 155? Seeing none, the question is, 'Shall House Bill 155 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there are 117 'ayes', 0 'noes', 0 'present'. The Bill, having received a Constitutional Majority, is hereby declared passed. Announcement from the Chair. This evening we will be going to 10:00 p.m. and as far as supper is concerned you are on your own to provide dinner. I lobbied for you but you are on your own for supper. Maybe everyone can get together and get the freshmen to go out for pizza or something. So we are going to be here until 10:00 p.m. this evening, Ladies and Gentlemen. So you might prepare yourself to have supper delivered to the Floor. House Bill 416."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Clerk Bolin: "House Bill 416, a Bill for an Act to amend the Public Utilities Act. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Madison, Representative Davis, is recognized. Excuse me. Excuse me. The Lady from Cook, Representative Monique Davis, is recognized."

Davis, M.: "Steve is my cousin."

Speaker Brunsvold: "Yes, thank you."

Davis, M.: "This Bill merely asks that during the months of December through March the utility companies cannot disconnect service because of a deposit that is due. And that's the extent of the Bill."

Speaker Brunsvold: "Questions? The Gentleman from Cook, Representative Durkin, is recognized."

Durkin: "Will the Sponsor yield?"

Speaker Brunsvold: "She indicates she will."

Durkin: "Could you explain to me the genesis of this legislation?"

Davis, M.: "This legislation was introduced because of a constituent's problem in reference to arriving home to find a disconnect notice and after checking, finding that the gas bills had been paid but a request had been made for a deposit and the consumer being a senior citizen did not have the funds at that time to make that deposit. The senior citizen had been a customer for a very long time and is a customer. It was in the winter and I'm sure you can imagine the fear that must have come over that person when they realized their service might be disconnected based upon a request for a deposit. So this Bill merely says that they cannot shut off the service, and that's in the throes of winter in Illinois, December 1, through March 30, I think."

Durkin: "All right. What would be the... what is the deposit,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

let's say in the City of Chicago in your district? What would be the deposit, how much are we talking about?"

Davis, M.: "I wish I could give you an exact figure but it may be up to about \$3 or 4 hundred. I don't really know."

Durkin: "And this is the deposit with a private corporation, a utility for electrical service."

Davis, M.: "Yes."

Durkin: "Now, when you make application for this type of service now, isn't there provisions within the contract for certain payments which are required for the continuation of service that being there must be a deposit of a down payment prior to the... during the service period? Correct? Wasn't that spelled out in the contract?"

Davis, M. "I think the contract states that during the period that service is being provided there is an expectation that bills are paid. There is absolutely nothing in that contract that states, upon a whim or because of some corporate decision without the agreement of the customer that a decision is made without the customer's knowledge that they are now seeking a deposit. It could be because they are feeling perhaps that they need that deposit to put in the bank and get interest from. I'm really not sure. But if a customer has been paying the gas bill and had service for 20 or 30 years, to all of a sudden be frightened out of their wits because they believe the shut-off notice is based upon the non-payment for service when it's really a non payment of a deposit request that this customer had not been made aware of that a request was being made. I have a companion Bill to this that states that the utility companies must define what the bills are for. Is this for current service? Is this for a deposit? Is this a late fee? It should be spelled out in the bill

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

and that goes with this Bill, it's another Bill however."

Durkin: "Well, have you actually read through one of these contracts and you could find out whether or not this type of practice is occurring, and whether or not they are in a sense are deceiving or they are... there's language in which could be ambiguous which would somehow, would cause some type of confusion with the consumer?"

Davis, M.: "You asked had I read through the contracts?"

Durkin: "Let's says from ComEd in Cook County where we're both from."

Davis, M.: "No, I haven't read through the contract but I have looked at what the law requires."

Durkin: "All right. Let me ask you this question. You have it just for the services between the period of December 1, through March 31. Why have you picked those dates in that time period?"

Davis, M.: "Because those are the dates when we're in the middle of winter, when it's extremely cold outside, where we had some deaths to occur in the City of Chicago because the people were living in homes or apartments without any heat at all and they actually died. They actually died because they had no heat."

Durkin: "Well, now people they have air conditioning which is fueled through electrical power, isn't it? Isn't that correct. Now, we had just a few summers ago where we had a number of people who boiled to death inside their homes during the summer months. Why have you not extended this during the periods which... which the heat index is above 90 degrees which we have seniors, we have people who are low income who additionally would fall within this trap?"

Davis, M.: "Well, the people who perished because of lack of air conditioning, many didn't even have air conditioning

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

service."

Durkin: "Well..."

Davis, M.: "And they were told on television to stay indoors. People assumed that indoors it would be cool and comfortable not realizing that indoors for some people became a deathtrap."

Durkin: "All right. Well, my question is why don't you put this back to Second Reading and let's put the hot months in? Let's take this from July through September and put those months in in which we can have the same provisions for an equally as dangerous period of the year."

Davis, M.: "What months would you prefer?"

Durkin: "How about July through... July through September, how's that?"

Davis, M.: "Would it satisfy you Representative, if I put that Amendment on a Bill that I already have on Second Reading? The one that will state that they have to identify what each part of the Bill is for. We could put it on that one, if that's agreeable to you."

Durkin: "Well, I don't know what's on that Bill but I think it would look great on this Bill. I think it would look great on this Bill because, you know this is so topical and everything. Let's do it across the board. Let's make sure, if we're going to protect people in the coldest months of the year, let's do it for the hottest months of the year, too. We certainly do know that heat does kill as does the cold. Correct?"

Davis, M.: "Representative, will you support that legislation?"

Durkin: "I'm all over it, if you do it."

Davis, M.: "Okay. Well, you know, I don't want to trouble the Speaker to take this Bill back to Second but I promise you that I will add that Amendment to 838, the one that you're

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

speaking of, where during the summer months, the hottest months say June through September, that perhaps they should leave that service connected. So, that if people need air conditioning, they can certainly use it. But this Bill, Representative, I would like for it to pass as it is because it took us a very long time to get it this far."

Durkin: "Why would this be germane to (sic-House Bill) 838?"

Davis, M.: "Because they are both in reference to utility services."

Durkin: "Well, I don't know, I've seen how germaneness over the past two years sometimes is a... it can be very ambiguous and it can also be a red herring for a number of Legislators. And I'm worried about all my, the other 117 Members in here, including yourself, to make sure that they are not voting on a Bill which may some day be reversed by the Circuit Court of Cook County because it lacks germaneness as we did a year ago. And also brought up to the Supreme Court. Now do you think we are falling within that pitfall?"

Davis, M.: "I really don't think that we're falling into that pitfall and you know, it took us a very long time to even have the authority to rule on anything being germane or non germane. I do believe that your suggestions will be germane on the other Bill that will be coming up. And I'll walk over later and get that drafted and see if we can't get that placed on this Bill."

Durkin: "Will you give that assurance to me?"

Davis, M.: "Yes, Sir. I will give you that assurance."

Durkin: "All right, thank you."

Davis, M.: "Because you make a very good argument. Excellent."

Durkin: "Thank you. No further questions."

Speaker Brunsvold: "The Gentleman from Washington, Representative

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Deering, is recognized. Deering."

Deering: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "She indicates she will."

Deering: "Representative, kind of help me out here. I notice in this legislation that the utility can't disconnect service if the security deposit isn't paid. Traditionally, aren't security deposits paid up-front before you even get service?"

Davis, M.: "Aren't they paid when?"

Deering: "Aren't security deposits paid up-front before you would even get service? Why would a utility come in and want a security deposit after I've had the service?"

Davis, M.: "After you've had the service for 20 years, they may decide that your bills, your payments were late or they just may decide at this time they want a security deposit. And, you know, it's probably something that a senior citizen who has had the service a very long time, may not be aware of."

Deering: "Thank you. No further questions."

Davis, M.: "Yes, Sir."

Speaker Brunsvold: "Seeing no further discussion, the Lady from Cook, Representative Monique Davis, to close."

Davis, M.: "Thank you, Mr. Speaker. I believe that all of us recognize the need for heat in the State of Illinois. And if a person is paying their bill, the bill is current, it is not far behind and the utility company decides it would like a deposit, we don't think it's right or correct for the utility company to be able to disconnect service for people during the coldest, severest winter months. That time occurs from December through March. I would just ask that you vote 'yes' on this legislation and I'm sure the seniors will thank you."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Speaker Brunsvold: "The question is, 'Shall House Bill 416 pass?'

All in favor vote 'ayes'; all opposed vote 'nay'. The voting is open. Have all vote who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On that question, there are 114 'ayes', 0 'noes', 1 voting 'present'. The Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 449. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 449, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Brunsvold: "The Lady from DuPage, Representative Cowlshaw. Representative Cowlshaw, on House Bill 449."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. This is the... basically this is the cleanup Bill from the State Board of Education. It changes a few of the... first of all this Bill came out of committee 21 to 0. It changes some of the dates when certain claims must be submitted to the State Board of Education. The reason for that is that last year we passed a Bill that changes the lapse period for the state board from three months to two months. Which means that they have a month less time to be certain that these appropriations are, in fact, expended. And consequently they need to change these dates so that the dates are in accordance with the current lapse period provided for under the law. They point out to me that if we do not pass this Bill those entities that currently have to submit those requests a month later than they would under this Bill, would in order to get their money, have to go to small claims court. I don't think we want them to have to do that. There is no opposition to this Bill and I would be glad to answer any questions."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Speaker Brunsvold: "Is there any discussion? The Gentleman from Livingston, Representative Rutherford, is recognized."

Rutherford: "Thank you, Mr. Speaker. Just a question for the Sponsor. I was the Sponsor of the legislation that moved the last period spending back to the 60 days and that was on behest of the Comptroller Didrickson. Is this... is the Comptroller's Office in support of this?"

Cowlshaw: "Yes."

Rutherford: "Thank you very much."

Speaker Brunsvold: "Any further discussion? If not, the Lady from DuPage to close."

Cowlshaw: "Please vote 'yes'."

Speaker Brunsvold: "On that question, 'Shall the House... 'Shall House Bill 449 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 115 'ayes', 1 voting 'no', 1 voting 'present'. And the Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 528, (sic-House Bill) 528. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 528, a Bill for an Act to amend the Property Tax Code. Third Reading of this House Bill."

Speaker Brunsvold: "The Lady from Lake, Representative Wood, is recognized."

Wood: "Thank you. Thank you. I'm here to ask your support for House Bill 528. (House Bill) 528 amends the Mosquito Abatement District Act and it prohibits that in municipalities which levy a tax for mosquito abatement that also lay in a portion that overlies an existing mosquito abatement district that the municipality must return the levy via the original mosquito abatement district. This

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

really avoids the problem of double taxation when there is overlapping districts. It's based on an existing statute that deals with libraries, library districts and there's no known opposition."

Speaker Brunsvold: "Is there any discussion? The question is, 'Shall House Bill 528 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open."

Wood: "Thank you."

Speaker Brunsvold: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 115 'ayes', 0 'noes', and 0 'presents'. And the Bill, having received a Constitutional Majority, is hereby declared passed. Representative Wood, it's so easy the second time around. House Bill 533. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 533, a Bill for an Act to amend the Service Use Tax Act. Third Reading of this House Bill."

Speaker Brunsvold: "On that Bill, Andrea Moore, Representative Moore, is recognized. Representative."

Moore, A.: "Could you take the Bill out of the record, please?"

Speaker Brunsvold: "Yes."

Moore, A.: "Thank you."

Speaker Brunsvold: "Thank you. House Bill 535. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 535, a Bill for an Act concerning health benefit notices. Third Reading of this House Bill."

Speaker Brunsvold: "The Lady from Peoria, Representative Slone, is recognized."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a consumer protection Bill. It is intended to provide information to health care consumers who may find it difficult to get such information now about why

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

coverage may be denied for certain health care procedures that may be performed on those insured people. It will enhance an insured's ability to question denials of coverage or denials of benefit payments by providing the name and telephone number of the individual who made the denial. Under the Bill an insurer would have to provide a notice of either benefit payment or benefit denial, the notice would have to include the signature of the individual who denied payment, the address and an accessible telephone number for that individual who denied the payment and a brief statement of what the procedures are for appealing the denial and that individual must be given the opportunity to respond and explain if a benefit is denied. The Bill has no fiscal impact, it is supported by the State Medical Society. I would move adoption of the Bill and I would be happy to answer any reasonable and relevant questions. Thank you very much."

Speaker Brunsvold: "The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "She indicates she will."

Black: "Representative, this Bill..."

Slone: "Has nothing to do with cats, Sir."

Black: "Has nothing to do with what?"

Slone: "Cats."

Black: "I can't hear you. What did you say?"

Slone: "It has nothing to do with cats. Felines."

Black: "Oh, well I don't know about that. I think there is a couple of weaknesses in this Bill. It says an insurance company shall provide, but if I get a denial notice, who am I going to call?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Slone: "You're going to call the person at the insurance company whose name and telephone number will be on the denial notice."

Black: "All right. How about the person who made the denial, will I know who that is?"

Slone: "You should know who that is under the provisions of this Bill, yes."

Black: "Can you show me in the Bill where it says that?"

Slone: "That should be on page 3, Section 155.31, which describes what has to be in the notice."

Black: "Okay, hang on there I'm trying to find this. Page 3?"

Slone: "Subsection (a) requires that it be signed, the denial be signed by the person who denies the benefit or allows it."

Black: "All right. When do I get this notice? Do I get this notice... is this constructive notice before I go into the hospital for a procedure or is it afterwards when I find out they aren't going to pay?"

Slone: "It would be afterwards. It would be afterwards that you would receive the notice."

Black: "It would be after?"

Slone: "Yes."

Black: "Don't you think it would be better if I got this notice before? If I go in the hospital and I assume I am covered for a gallbladder operation. I get out of the hospital and I find out that under usual and customary fees the insurance company is only going to pay \$1000 and I have to pay \$4000. Well, what recourse do I then have?"

Slone: "You would be able to discuss with the insurance company and with the specific person who denied the additional coverage, what the nature of the problem is and have an opportunity to resolve that."

Black: "Well, I'm glad that I will have somebody to discuss it

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

with, but what about the \$4000? Am I going to have recourse or a claim, or am I going to have my wages garnished?

Slone: "You're going to have an opportunity to talk to a real human being at the insurance company. That's all this guarantees you."

Black: "Well, what guarantee do that I have that there are any human beings at the insurance company?"

Slone: "Oh, Representative, that I cannot help you with. That would require separate legislation."

Black: "All right. This Bill is very familiar to me. I think Representative Lang and I have tried to do this for about four or five years. It appears to me that what you're trying to do is set up a standard for utilization review. Is that what you're trying to accomplish here?"

Slone: "I certainly hope not. No, we're just trying to create an opportunity for health care consumers to be able to talk to somebody at the insurance company when their benefits are denied and find out what the problem is, without getting a big runaround."

Black: "Well, I really, and I'm serious. I really think this is very similar to what Representative Lang and I have worked on for a number of years. Utilization review is a process by someone who makes a decision that we're not going to pay that because it's not usual and customary. And Representative Lang and I have argued for years, Illinois has no regulation on utilization review. Anybody can make that decision. And I think one of the weaknesses in your Bill, I will get a name, but that person does not have to be, unless I looked in the wrong place in the Bill. That person telling me that I've been denied full coverage could be, and in all due respect to Representative Giglio, could

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

be a plumber. It doesn't have to be a doctor or a nurse, correct?"

Slone: "That's correct."

Black: "Don't you think we ought to correct that?"

Slone: "That would be a big job and I would certainly be happy to join in any Bill that you have that would do such thing."

Black: "Well, Representative would you be willing to take this Bill out of the record and we could amend it on its face yet tonight and at least if I'm being denied by a utilization review process, I'd like to know what qualifications the person has for making this denial. And your Bill is silent on that."

Slone: "Yes, it is, Representative. I would not like to withdraw this Bill. I would be happy to work with you on another piece of legislation to correct that very difficult and serious problem."

Black: "Well, thank you, Representative. I must say, I appreciate the forthrightness and the honesty of your answer. I'm disappointed in your lack of collegiality in trying to work out this problem. Mr. Speaker, Ladies and Gentlemen of the House. To the Bill. You know, I think I've been here too long. There used to be a spirit of cooperation in this Chamber. We use... I took a Bill out of the record yesterday so that Representative Lang and I could work out an Amendment. Here we have a freshman Member who admits the Bill has flaws but no, she won't take it out of the record to work on it. She wants to pass it in a flawed state. Well, this is Illinois, it isn't a flawed state. If we're not going to it right, why do we do it at all? If I'm going to be denied coverage I want to know who denies me. She admits, Representative Giglio, for God's sake, could deny me and he's a plumber. Now that may

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

be okay, if I have a urology problem but what if it's my gallbladder?"

Slone: "I yield to Representative Giglio."

Black: "This Bill...Representative, you're out of order. This Bill has a glaring weakness and she is not willing to work with the Minority to correct it. I tell you, it's a new breed Representative, you and I have been here a long time. We've worked out many an issue and here we have these freshmen Legislators come in and absolutely refuse to work with those of us that have toiled in the vineyards of the legislative process for many years. This Bill is flawed. It's flawed on its face. I urge a 'no' vote."

Speaker Brunsvold: "Representative Black, there are some that say you and I have been here too long. Mr. Giglio's name was mentioned in debate on something about plumbers and he would like to respond. Mr. Giglio."

Giglio: "Yes, Representative Black, I would like to clarify what was that you referring to about plumbers?"

Black: "As I told your father, Sir, if you can't trust a plumber who can you trust? But..."

Giglio: "Representative Slone, is that what you understood him to say?"

Slone: "Not at all, Representative Giglio."

Black: "I meant that, ask your father. Believe me, I told him publicly on more than one occasion. If we couldn't trust a plumber, who could we trust? But if you are denying my claim for medical services, I'd like to have not only your name and address but your occupation so that I could then say, what is a plumber... as phenomenal a person as he is."

Giglio: "I rise in support of this Bill. I would never deny you medical services or sanitary sewer services or water services."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Black: "Well, in that case we should amend the Bill and put you on it."

Speaker Brunsvold: "Thank you, Gentlemen. Representative Lang, the Gentleman from Cook."

Lang: "Thank you. Will the Sponsor yield?"

Speaker Brunsvold: "She indicates she will."

Lang: "Thank you. First of all, Mr. Black, thank you for mentioning our utilization review Bill many, many, many times during this debate. I'm sure it will come up sometimes during the House debate. Representative, if you'll look at your Bill which I know very few of us do. On page 1, Section 6.9 and on page 2, Section 10-22.3(f). These two paragraphs appear to say the same thing. Why is this redundant, why do you have to have this in the Bill twice?"

Slone: "Indeed they do, and indeed it is there more than twice, Representative Lang. If you would find, if you read on and the reason for that is that we need to amend several different insurance plans. Some of them are private insurers, some of them are from HMO's, some of them are for state insurance plans that cover state and municipal employees. Each of those must be amended in a similar fashion."

Lang: "And so you've amended various different Acts. Are you sure each of these are germane? Perhaps this is unconstitutional. Do you have anything about the LUST Fund in here? No."

Slone: "Not a word."

Lang: "Because if you did that might be unconstitutional as we know. Representative, on page 1 of the Bill Section 8-23., it says exempt mandate. Is this a mandate for which we will not provide funding? Are you now for unfunded

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

mandates?"

Slone: "We are never for unfunded mandates."

Lang: "Well then, maybe you can explain this paragraph to me."

Slone: "It says that no reimbursement by the state is required for any mandate created. However, there is no fiscal impact of this Bill."

Lang: "There is no fiscal impact to this Bill?"

Slone: "No, Sir."

Lang: "Well, but then why do you need this language? There's no fiscal impact to anyone. I mean, I know that we had to print it. There must be some fiscal impact. This is not an unfunded mandate?"

Slone: "My understanding is that this is important technical language we have to have that it is not required that Legislators really understand this in detail."

Lang: "So what about the issue of Home Rule? It says several times in this, you seem to restrict the rights of a Home Rule municipality. So, if I'm reading this right you're not only restricting the rights of Home Rule municipalities but apparently you no longer are concerned about the issue of local control. So, what are you telling us here?"

Slone: "DCCA believes that this does not preempt local control in this area."

Lang: "So, will this require 71 votes?"

Slone: "Apparently not."

Lang: "Well, a Parliamentary Inquiry. Could we ask the parliamentarian who I'm sure has been paying careful attention to this fiasco whether or not this will require 71 votes?"

Speaker Brunsvold: "We have discussed the inquiry and it requires 60 votes."

Lang: "I don't think you were discussing this at all, but we'll

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

proceed. You could not have discussed it that quickly, Mr. Speaker. But I trust you and in years past, I have not necessarily trusted the answers I got from the Chair. But, we'll go on. Representative, who is this Bill valuable to? Who wants this Bill? Who will care?"

Slone: "Health care..."

Lang: "Representative Scully is raising his hand."

Slone: "For example."

Lang: "Representative McKeon, Smith, Stevens, we better hurry up if Stevens is for your Bill. We better move this ahead. Who needs this Bill?"

Slone: "I think health care consumers all over Illinois will benefit from this Bill."

Lang: "Will those of us that get our health care from the State of Illinois benefit from this?"

Slone: "Potentially, yes. You will be covered..."

Lang: "Under what circumstances would I get a notice from the State of Illinois under this Bill?"

Slone: "If you seek medical services that would be covered under your insurance, your insurance plan to the best of your understanding, you will receive a notice after the medical services have been performed of either a denial or an acceptance of benefit coverage. And that will enable you, if the coverage is denied to talk to a real human being at the insurer who can tell you why, if at all, your coverage was denied."

Lang: "This is a pretty good Bill, isn't it?"

Slone: "It's a wonderful Bill."

Lang: "Would you like to improve it by adding some gambling language to it?"

Slone: "Not a word."

Lang: "Not at this time. Thank you, Mr. Speaker."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Speaker Brunsvold: "Any further discussion? Seeing none, the Lady from Peoria, to close."

Slope: "I believe that this is an important new consumer protection. It has no fiscal impact on the state and I believe it would be very helpful to many people and I would appreciate a favorable vote. Thank you, Mr. Speaker."

Speaker Brunsvold: "The Gentleman from Vermilion has asked for a verification should this pass. And on that question, 'Shall House Bill 535 pass?' All those in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? I'm trying to help you, Representative. Have all voted who wish? Would you like to explain your vote? Just kidding, Representative. Have all voted who wish? The Clerk shall take the record. Mr. Black, do you persist in your verification?"

Black: "I think we've got a shot at this, Mr. Speaker. Poll the absentees."

Speaker Brunsvold: "Would the Clerk please poll the absentees?"

Black: "Obviously Representative Turner knows something that I don't."

Clerk Rossi: "There are no absentees."

Black: "Mr. Speaker, I must admit defeat at the hands of a freshman once again."

Speaker Brunsvold: "Thank you, Mr. Black. And on that question, there are 112 'ayes', 1 voting 'no', 0 voting 'present'. Excuse me, Mr. Turner. For what reason do you rise?"

Turner, A.: "Mr. Speaker, there appears to be something wrong with my button. I hit green and red shows up and I would like to be recorded 'yes' on this Roll Call. I don't know what it is, could the technician come by and check?"

Speaker Brunsvold: "Mr. Turner, I have not declared the Roll yet."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Could we record... we can't record, Mr. Clerk?"

Turner, A.: "Could the record reflect and could we have the technician come by and check my button?"

Speaker Brunsvold: "The record will reflect that you would have voted 'yes' on this Bill. Absolutely. The Lady from Cook, Representative Jones, for what reason do you rise? Representative Jones. She does not wish to speak. On this question, there are 112 'ayes', 1 voting 'no', and 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Finally. House Bill 538. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 538, a Bill for an Act amending the Code of Civil Procedure. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Cook, Representative Lang, is recognized."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. We go from the funny and ridiculous to a serious Bill. Ladies and Gentlemen House Bill 538 deals with a serious problem in our courts. Often in an effort to settle a case regarding a dangerous or defective product or a dangerous condition in Illinois, a plaintiff and a defendant in their settlement agreement will agree to close court records. When they close those court records we shut out the public eye from dangerous conditions. These dangerous conditions have included orange juice with poison in it, defective school lunchroom tables that have collapsed on kids exploding fuel tanks, deadly medication, defective heart valves, and leaky breast implants. All of these are the types of cases where settlements have kept the public from knowing about a dangerous product. This Bill will correct that and give judges only under certain circumstances, under certain prescribed manners, the ability to close a

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

court record. Now, we need to do this for two reasons. First, the courts of Illinois should be open to the general public and only in very rare circumstances should a court file be closed because the court system belongs to all of the citizens of Illinois. Secondly, and of course, more importantly, if you're a consumer of a drug or a user of a motor vehicle and there's a dangerous condition about that drug or that motor vehicle that you should know, we should not allow the court system or a plaintiff and defendant together in their effort and zeal to settle a case, to shut the public out. Because shutting the public out keeps you from getting that information and renders the citizens of Illinois substantially, in more danger than they could be otherwise. We need to let people know when there are settlements in cases. We need to not close court records because when we do that information is not made available to the public. With that information the public is infinitely safer and I would ask your support on House Bill 538."

Speaker Brunsvold: "The Gentleman from Cook, Representative Fritchey."

Fritchey: "Thank you, Mr. Chairman. Representative, I was just looking at this..."

Speaker Brunsvold: "The Gentleman will yield."

Fritchey: "I was looking at this Bill recently, outside and I just had a discussion. What I'm wondering about is, what happens in the situation where the allegations of a defect may not have been proven prior to a settlement? And a party may be reluctant then to settle even though they are going to deny liability and not have to disclose an alleged defect which can be damaging to their business even with no ultimate finding of guilt or that an actual defect

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

existed?"

Lang: "Well, Representative, we're talking a situation where... whether court records should be open or closed. Often times there are depositions in cases or documents in cases that are of court record that have serious implications for public safety. And when those court records are closed the public can't get at that information. So, the point here is that plaintiffs who want to settle their cases should be allowed to do that but we should not allow a situation where in so doing a public hazard is hidden from the public eye."

Fritchey: "Would it be possible to limit the Bill to disclosure of records only in the event that a party was actually found to be culpable, that there actually was a defective product?"

Lang: "Well, the only way you get that is when there is a trial in a case. So if there's a trial the court record is not closed. We're only talking about cases where there are settlements. So if you have a settlement in a case where a defective school lunch table has collapsed on 15 kids, injuring 15 kids, I don't think we'd want to state as the public policy of the State of Illinois that it's okay with us if that class action lawsuit is settled but that the information about that defective lunch table is not made public. I don't think that's what we're after. We want that information to be public so that the manufacturer of that table will remedy the defect."

Fritchey: "I think you are absolutely right and you're to be applauded for insuring that the public will know of any potential dangers. My only concern was that individuals and corporations that haven't done wrong are going to be exposed and have settlements exposed and then maybe some

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

leverage used against them because of the public exposure that will result. And perhaps an individual will say, 'unless you settle with me before I sue you, once I sue you the allegations are going to be made public whether they are true or not. So you better pony up before I take you to court'."

Lang: "Well, it's not the allocations that we worry about because the court complaint is always public record. What gets sealed are all of the documents, the depositions, the proof that's in the case that would indicate to anyone that read the court file, what the status of that case was, not what the allegations are because we don't really care about allegations. We know that in a court case anyone can allege anything and the allegations either stand or fail. What does get hidden from the public are all the documents, depositions, expert testimony, and the like that others could read to determine whether there's proof that a product was defective or dangerous."

Speaker Brunsvold: "Thank you. The Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Cross: "Representative Lang, I'm not aware under the statute now that there's any provision that allows for the sealing of court documents with the exception of adoption cases. Do you know if that's the case?"

Lang: "I think you're correct but we're not talking about the current statutes. We're talking about an agreement between the plaintiff and defendant. Often times and all the cases I cited are all true real cases, where court records were sealed. When a plaintiff and defendant agree as part of an agreed settlement order, to seal records, a judge

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

often times says, 'it's fine with me, let seal the records.' There's nothing in the law now that prohibits that and so this Bill would prohibit it to the extent that we're talking about public safety, to the extent that we're talking about trade secrets, to the extent that we're talking about private formulas, to the extent that we're talking about business records that don't go to issue of the hazard, the court would be prohibited from sealing. The court would still be allowed to seal those."

Cross: "What's going to prevent, you and I have a case, you're the plaintiff, I'm the defendant we come up with an arrangement, a settlement, a deal whatever you want to call it and we say, 'well some of this is going to be kept secret, some of it is not, we're just not going to tell the judge.' What if we violate that or we go into that type of arrangement? Is there a penalty? Is there... are we breaking the law?"

Lang: "It would be impossible to do, Representative because no court file can be closed unless the judge orders it closed. So if you and I, in the back room of your office make this deal and money is paid to settle the case the court file is still in the court record. Until a judge closes it and seals it, it's still there. Now, what you could do, I suppose, is go to the courthouse and steal the stuff out of the court file and make it disappear and I'm sure, you have seen lawyers do that as well as I. The issue is not... the issue is, can the court seal the document? You and I can make any agreement outside of the courthouse that we wish but what's in the court file is still in the court file."

Cross: "Well, my... I guess my question Lou, is what if we just don't tell the court what the agreement is and we just say, 'here is your \$1 million and I'm going to dismiss the case'

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

and we decide we don't even put anything in writing?"

Lang: "Well, first of all it would probably be a half a million under House Bill 20."

Cross: "Thank you. Forgot about that."

Lang: "Secondly... secondly, what we do privately doesn't affect the court file. The court file is still there and open. So whatever has happened in our case, depositions have taken place, they have been filed, documents have been filed, they're part of the case. Whatever is in that court file is still there. This would prohibit a judge from closing that court file at any time."

Cross: "My concern is and there may be some cases and situations where we want to close a file. You are a women with a sensitive medical problem. We've got the breast implant issue, there may be others that I haven't thought about and for sensitively purposes we're going to close the file. We're going to seal it for protect the integrity of that plaintiff. What are we doing now or are we setting ourselves up for exposing a woman or a man, an adult, a minor or whatever the case may be, to some sensitive medical problems by allowing the whole world to look at a settlement involving some very personal medical problems?"

Lang: "I understand the question, my answer is that when a person files that case it's court record. If I'm a woman and I file a case that involves leaky breast implants, I've filed the case. It's of record. Sealing that later hasn't changed the fact that I filed the case. You could agree two years from now to seal it but that complaint is already of court record. If there is embarrassment I've already sustained that embarrassment."

Cross: "Well, I understand. There's a difference between complaints and discovery in medical records that become

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

part of a court file when you're answering interrogatories, when you have oral discovery, other forms of written discovery and you start exchanging that information, it then becomes part of the court record. It's a lot different looking at a medical history of an individual versus looking at a complaint that's filed that alleges certain facts. And I think we're setting ourselves up to harm some individuals in the interest of settling, we close a file and I'm also concerned and we'll get to that in a minute, that we're going to stop settlements and force things to go to trial because of the fear of not being able to seal agreements."

Lang: "Well, firstly you know and I know that because of House Bill 20, more cases are going to go to trial because there is no incentive for anybody to settle their cases in the first place. So that's the first thing we ought to say. Second thing is, that the Bill on page 2, does allow a court for good cause shown to close up the file relative to issues that do not relate to a public hazard. So, if there is sensitive personal information in a file that do not relate to public hazard, a court could still seal the file."

Cross: "Is the determination as to what is a public hazard purely in the court's discretion?"

Lang: "Yes."

Cross: "All right. Why do we, and I not sure I disagree with... completely with your comments, going back to the issue of women for example, I used. But why... to leave that for a second, why do we apply this Bill as well to private agreement or contracts? Where would a contract be... what would be an example of a contract or private agreement that would be a public hazard versus defective breast implant

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

device? Give me an example."

Lang: "I'm not sure I understand your question. This applies to all litigation where a public hazard is involved. Whether it involves contractors, breast implants, or whatever it might be. This involves to all litigation that involves a potential, public hazard."

Cross: "Well, specifically in Section (c), 'any portion of agreement or contract that has the purpose or effect of concealing a public hazard.' What are some examples of agreements or contracts?"

Lang: "Oh, I don't know. I suppose two people could have a contract... well, wait a minute. Well, we're talking about an agreement or contract to settle a case, Representative. This is any agreement or contract between two parties in a lawsuit to conceal a public hazard would not be able to include the ability to seal the court file."

Cross: "Well, Representative the opening word is 'any'. I mean any portion of agreement or contract."

Lang: "Well, I understand what you're reading to me but this refers to any portion of an agreement or a contract involving a settlement of a court case that has the effect of concealing a public hazard cannot allow the court to do such a thing."

Cross: "Representative, I... with all due respect, there is no limit in here. Any portion of agreement or contract that has a purpose."

Lang: "Representative, just as judges make decisions today as to who is liable and who is not, just as judges make decisions today as to how much a defendant should pay if they are found liable so should a judge be able to make the decision based on findings of fact as to what is or is not a public hazard. Clearly in a case involving allegations regarding

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

a painkilling medication that turns out to be dangerous or a school lunch table that turns out to be built in a defective way or a automobile where if you tap it, it blows up certainly anybody would know that those are potential public hazards. And sealing the records relative to those types of products is dangerous to the public."

Cross: "Well, why wouldn't paragraph (c), just read, 'any portion of a settlement agreement or contract' as opposed to 'any agreement.' And let me ask you... go ahead I apologize."

Lang: "Well, no, go ahead."

Cross: "I guess the other real concern Lou, and I'm not a constitutional law expert. But are we treading on a separation of powers issue? Of... Really this is an issue for the judiciary to determine what's allowed to be in or out or what's to be sealed in a court record. Not an issue for the Legislature. And I don't know that I'm disagreeing. I'm really asking at this point that we're treading into some territory that we shouldn't be going into."

Lang: "We as lawyers, Tom, you and I go into courtrooms and we're familiar with what the docket looks like, hundred of cases. Particularly in the courtrooms that have personal injuries cases, hundred of cases, thousands of cases. Judges want the cases over with. If a plaintiff and defendant come in with virtually any agreed order, whether it's to resolve the case, whether it's to extend discovery, whether it's to allow an amended complaint to be filed, whether it's to take a deposition of an expert in some other state. Whatever it is, if it's an agreed order, it generally it gets entered. And if plaintiffs and defendants are going to agree to settle cases and hide from the public hazards that might be injurious to their health and a court in an effort to get

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

this case off their docket, pays no attention to that, we are allowing courts to perpetrate that injury upon the public. I strongly support the separation of powers on many issues. But this is one issue where I don't really think we're impinging on the separation of powers, I think we're giving the courts a tool to do what they are there to do, which is to protect the general public from harm."

Cross: "Is the suggestion that the personal injury attorneys that you know and I know don't have the ability through discovery to do the very same thing that you're suggesting needs to be done? And I don't think anyone wants to hide something injurious to the public in this state or any other state. But has there been a problem with... lawyers having an inability to go through corporations records for ever and ever? I mean I don't think that's been a real problem, Lou. Discovery is pretty liberal in this state."

Lang: "But that's the whole point, the discovery is done, it's in the court record. Why should that court record be sealed? Why should the next lawyer that has the next case regarding that same subject matter have the problem, (a) of discovery and (b), why should some other potential plaintiff be injured by that same product if releasing that information or at least making that information available to the general public will keep the next person from being injured?"

Cross: "Because every case is unique, every individual is unique and every situation is unique. And what we're going to have is people just going through court files in an endless manner, looking for lawsuits and opening up people's personal lives, their medical records, their personal records that really shouldn't be open."

Lang: "The point is that if a court record is open and someone

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

can discover the fact that a lunch table collapsed on kids, then that manufacturer is going to not manufacture that lunch table again in a defective way so it falls on other kids. But if you close that court record that manufacturer will settle that case and decide it's cheaper to settle that case than to fix the lunch table. That's what happened with the Ford Pinto. The Ford Pinto had the engine in the trunk and if you tapped that car in the rear, it blew up and Ford decided it was cheaper to pay the claims than to fix the Pinto. That is disgusting and appalling and we cannot allow that to continue to happen."

Speaker Brunsvold: "Mr. Cross, could you bring your remarks to a close."

Cross: "Well, Representative I don't disagree with the fact that's appalling, but did anyone... was anyone denied access to Ford's records when lawsuits were filed? Were not cases awarded and millions of dollars awarded in the Ford Pinto case?"

Lang: "I was just using that as an example..."

Cross: "And I'm using it back as an example."

Lang: "Of faulty products that we cannot keep the information about from the general public. Because we have manufacturers and not every manufacturer. If the IMA is listening, I love you, this has nothing to with all of you. But there are manufacturers who will pay the claim, settle the case as long as they know the whole world won't know their product is a bad product, long as that's not in the general public they'll settle one case, two, a hundred if they think it's cheaper than fixing the product. That's the point."

Cross: "I have no further questions. I'll defer to Representative Turner, I believe he has some questions."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Thank you."

Speaker Brunsvold: "The Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Mulligan: "Representative Lang, can't a judge do this now, close a record or open a record if he chooses?"

Lang: "I believe a judge could do this now. But it's important that we say as the public policy of this state, that it's not a good idea for judges to, well what you're saying is can they do this, You mean can they forbid these kinds of settlements? And I suppose they could because when two parties go to a judge with an agreed order, the judge could refuse to sign it. But judges don't refuse to sign those orders. They have to dispose of cases. They have to dispose of cases under the parameters we give them. Just as we have mandatory sentencing laws in criminal cases, which tie judge hands sometimes we have an obligation to protect the general public from cars that blow up, from leaky breast implants, from drugs that kill us, from tables that fall on kids, from orange juice that's laced with poison. It's our obligation and anything we can do to keep court records open to make sure that does not continue to happen is our obligation to do."

Mulligan: "But, Representative when a case like this is filed the public outcry would probably indicate to a judge, particularly ethically, if there is a great need for the public to know that he would not allow a settlement that would close records."

Lang: "Well, you may say that, but in every state in the union these records are closed everyday. This is why other states, such as Texas, New York, Florida, and Georgia, have already passed this same Bill."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Mulligan: "If an insurance company would like to settle a medical malpractice suit for a doctor because it's more of a nuisance than it is to keep it on. But it's a small suit and in many instances insurance companies, particularly if you want to keep your insurance, move forward on settlements and don't necessarily consult their client that is paying the premium whether they want to settle it or not. If a suit like this is left open to the public, does that make a difference? I mean, don't you think that if you have a reason to settle a case where you save money where particularly that the person that's a party to the suit is probably doesn't have a whole lot of clout in not letting them settle it? You think that's fair to that doctor or person to let it be known that it was settled?"

Lang: "Representative this does not apply to every case in the courthouse. This applies to situations where a judge determines there's a public hazard. It would be a real stretch to determine that a single doctor and a single allegation of malpractice was a public hazard. We're talking about drugs that thousands of people take, cars that thousands of people drive, school lunch tables that thousands of children sit at. We're not talking about one incident of one claim filed by one individual against one doctor."

Mulligan: "All right. Then what would you say would be a suit that you think should be open to the public? Just the suits that you mentioned, and what would be okay to close? What's the type of suit that you think would be all right to close the records to?"

Lang: "Well, certain we have already have laws that require adoption files to be closed, in fact, we have legislation around here now that would require them to be open, but

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

that's a separate issue. In these kinds of circumstances, judges should be able to trade secrets from the public so they can close certain parts of these files. They could certainly close files where they felt there was no public hazard involved. We want judges to make those determinations as to whether these are public hazards. I don't think you would want your family taking a drug that was... if there were records out there that would prove the drug was defective. But if the court file is closed, no one will ever know that. And until there are thousands of such cases and the FDA takes the drug off the market, other people will take that drug, other people will be injured."

Mulligan: "I think it's unclear to me as to what you feel is still in the purview of a judge without passing this. I mean my feeling is that a judge should be able to seal certain records or require that a settlement would not allow you to seek closed records in something that was against the public health, welfare, or safety, and I would think there must be some canon of ethics that govern what judges do in this type of instance."

Lang: "Representative, I know you don't practice law, but the lawyers in this Chamber will tell you that judges have several duties, one of which is to move their cases along. If two parties agree to X, Y, and Z, unless it violates the law and if both parties are happy with X, Y, and Z, the judge will do it, almost every time. This will give the judge an additional duty and that duty will be to determine if sealing that court record would be sealing a public hazard. That's a simple duty. It may require findings of fact. If the judge determines there's no public hazard, the judge cannot close the file... cannot leave the file open if the parties want to close it. If there is a public

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

hazard we should know about it. If there is not a public hazard and the parties want to close their file, that's certainly okay with me and it should be all right with the judge, as well."

Mulligan: "Thank you."

Speaker Brunsvold: "We have two more people... three more people seeking recognition. The Chair has been very lenient on the time on this Bill. So, make your questions pertinent, please. Representative Durkin."

Durkin: "Thank you, Mr. Speaker. I rise in support of House Bill 538. And as we often do, we think about the constitutional question which often arises in this Chamber. And when we look at this situation, what we have to do is balance the interest of both parties. In this situation, we have to balance what is the privacy interests of a plaintiff who has made a decision to have their cause of action tried in a public courthouse versus the protections of the general public in its health and welfare. And I think in these types of situations that Representative Lang has brought towards us are the ones which I believe that full disclosure is the best policy. And this just reminds me of a situation which happened a number of years ago when Irish immigrants came over to the United States and particularly in Chicago. They worked in the field of asbestos installation and removal. A number of those individuals over the years have developed cancer. The original cases that were filed in these causes of actions were sealed. A number of these individuals had no knowledge of the fact that they were dealing with a harmful substance. And I believe that these types of situations, this type of legislation cries out in those types of cases. I believe, as I said before, we need to balance the interests of both

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

parties but in this situation, I believe that full disclosure is the best public policy and I ask for an 'aye' vote."

Speaker Brunsvold: "The Gentleman from Logan, Representative Turner."

Turner, J.: "Thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Brunsvold: "He indicates he will."

Turner, J.: "Representative Lang, Representative Cross had earlier asked you a question about whether or not this a violation of separation of powers or indeed runs into a constitutional problem there. You explained to him why you did not think it did. I didn't understand your explanation. Could you go through that with me again, please?"

Lang: "The General Assembly passes many laws that give judges discretion. It also passes many laws that give judges parameters. We decide what sentences should be for misdemeanors of various classifications, felonies of various classifications. We decided last year what the maximum, or two years ago, what the maximum amount that could be awarded in a personal injury case of different kinds. We decided what the discovery judges could allow. We decide all sorts of things regarding the court system. Most of that is in the Civil Practice Act. We passed that, no one else. So, we everyday in this Chamber or virtually everyday pass rules, regulations, laws and statutes that affect things judges do. There is no reason we can't do this one as well and that's why I do not believe that it violates the separation of powers. If I felt it did, I would not propose this because I'm a very strong proponent, as you know, of the separation of powers."

Turner, J.: "But, Representative, don't we usurp the power of the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

court in this case? Aren't we telling the court that the court has no option, the court must seal the file should the court make the proper findings?"

Lang: "Well, I guess we are. But the fact is, that if there is a public hazard out there, no judge should ignore it. And you know as a practicing lawyer, I don't think you do too much civil law, maybe you do now. As a practicing lawyer..."

Turner, J.: "Is it that obvious?"

Lang: "That's funny. As a practicing lawyer, I know you're aware that judges... even in criminal cases, judges have a huge docket. They want to move cases off their Calendar. And if two parties agree to do something, that court is going to bend over backwards to do it for them. And we cannot allow that to happen. If by doing it, one of our children or one of our neighbors winds up injured or maimed or killed because some product's information was not available to the public."

Turner, J.: "You mentioned the Supreme Court Rules earlier in your explanation to Representative Cross. What if the Supreme Court writes a new rule and basically rescinds or abrogates what we said in our statute? Which would prevail in that instance?"

Lang: "Well, are you asking me what the law in our state is, if there is a conflict between one of our statutes and a Supreme Court Rule? I'm not sure I know the answer to that but I think those are decided on a case by case basis. At some point the Supreme Court itself will rule whether the law is more relevant or their rule is, whether the law is constitutional, whether that is the law they want to apply. I don't think it will be decided in the abstract."

Turner, J.: "Well, my suggestion is that we could pass this

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

statute but the Supreme Court may issue a rule which in effect rescinds our statute. I believe that they have the authority to do that. If you accept that proposition that they have the authority to do that, I believe that we do have a classic example of a separation of power problem here with your legislation."

Lang: "I would turn it back at your Representative. I would say that because of the separation of powers, if they have the power to do that, they can do that. But they haven't by Supreme Court Rule decided that we can't have Class X Felonies. They haven't by Supreme Court Rule decided that the discovery laws and rules we pass here do not any longer apply to civil cases. So they haven't done that. They will accept what we do when what we do is reasonable to protect the public good. This clearly protects the public good."

Turner, J.: "All right, thank you, Representative. Let me ask you another question. Why do you think that the litigants to a lawsuit who make a settlement and when those litigants both agree that sealing the file is proper why don't they have a right as litigants? It's their case, it's their lawsuit. Why can't they make the agreement? Why should we be putting ourselves in between a contractual agreement between the two litigants?"

Lang: "That's a very good question and that goes to the heart of this Bill. I'm a lawyer, you're a lawyer, we love settlements. Settlements are great. But when a settlement hides from the public a hazard, when a settlement hides a dangerous drug, dangerous condition, dangerous product, dangerous motor vehicle, from the general public, that settlement is dangerous to the general public. And we cannot let a litigant or two keep the general public from

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

knowing what is dangerous to it. Because if we do we're doing them a disservice. Our job here is to pursue justice for everyone, not just litigants. But when there is something in that court file that would say to you, Representative Turner, that your child better not take that drug they are litigating about because the court record proves it's dangerous whether the case was settled or not. You don't want your child to take that drug, and I don't want my child to take that drug and we have to protect the citizens of our state from that dangerous drug."

Turner, J.: "Well, I understand what you're saying but suppose the parties negotiated for several months and are on the very verge of filing a lawsuit, but if the suit is not filed and indeed a settlement, an agreement is reached on the night before the case was scheduled to be... become a case to be filed. That would be a private agreement between two potential litigants. You're not suggesting to the Members here today, that if there's something potentially hazardous to the public that that private contractual arrangement should be made available for public inspection? Well what's the distinction then?"

Lang: "Clearly not. Clearly not. The distinction is, I'm for open court records and an open courthouse in the State of Illinois. People... things that people do privately that aren't in the court record, are not public record. Everything in a court file is public record unless a judge seals it. This would keep a judge from sealing a dangerous and hazardous condition. That's what it does. It has nothing to do with private agreements. Once you subject yourself to the courts of the State of Illinois, there is a court record and in only very rare circumstances should it be closed. I don't care if it is closed in a settlement

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

agreement between two litigants where the subject matter is irrelevant. I don't care if you seal a court record in a case that involves imminent domain. I don't care if you seal a court record in a case that involves the rights of parties in a real estate transaction. But I do care if you want to seal a court record that I would want to see or some investigative body would like to see to determine whether an automobile is too dangerous to drive and I think those records should not be sealed."

Turner, J.: "Let me ask you, do you think your language is perhaps ambiguous or too broad in that under Subsection (c), it is at least in my opinion, not clear that that particular language would only apply in the situation where a case has been filed?"

Lang: "Well, Sir, this is in the Code of Civil Procedure. Of course it only applies to case that is filed. The Code of Civil Procedure only applies to litigation."

Turner, J.: "Well, you're completely confident that that language can't be construed because it happens to appear in a certain part of our statutes. Can't be read to apply to a situation that is not specifically spelled out in the statute?"

Lang: "Not only am I completely confident, I'm 100% confident. This is in the Code of Civil Procedure, it cannot be interpreted any other way by anyone."

Turner, J.: "Mr. Speaker, in case this should receive the requisite number of votes, I would ask for a verification."

Speaker Brunsvold: "Thank you, Representative, it's duly noted. The Gentleman from DuPage, Representative Tom Johnson, is recognized."

Johnson, Tom: "Yes, will the Sponsor yield?"

Speaker Brunsvold: "He indicates that he will."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Johnson, Tom: "Representative Lang, I noticed in Subparagraph (d), at line... line 28 in terms of enforcement on this. I'm a little bit confused. It says, 'any substantially effected person including but not limited to representatives of the news media.' What is 'a substantially effected person,'? And if it is a substantially effected person why do we put a news media in? How do you define a substantially effected person?"

Lang: "Substantially affected person is one who believes that the court record that is sealed could contain information that involves the safety in their own life. So, if you have a child that is taking a certain drug and that drug is the subject of that lawsuit and a court has sealed that record because the court has felt that this is not a public hazard, you would have standing to contest that order. Court could deny you."

Johnson, Tom: "Okay. I would accept that. I would accept that. Okay, that's a person I'm a parent, either it might be a drug. You know, I would like to have access to that if I can find it. Now, if you say that is the definition of an effected person, tell me how the news media is the effected person?"

Lang: "The news media is not the affected person. That's a separate category. The news..."

Johnson, Tom: "Well, you're saying included but not limited to. So, basically what you're saying is, anybody, anytime, anywhere can bring a cause of action..."

Lang: "Not true. The news media is important here because this is where we get our information, most people in Illinois. We read in the newspaper, we hear on the radio, we see on television what's going on in the world. And if the news media discovers that a dangerous automobile is involved in

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

some litigation and that litigation or an alleged dangerous automobile..."

Johnson, Tom: "They have a suspension that that might be the case."

Lang: "Fine. They could contest it and if the court says your wrong, you're wrong. The court makes the final decision."

Johnson, Tom: "If you go on to page 2, line 4. Upon motion and good cause. Is this Motion brought before the judge who has sealed the document?"

Lang: "Yes."

Johnson, Tom: "Or does this go to another judge?"

Lang: "No, the same judge."

Johnson, Tom: "Okay. So, in a sense, you have judge who has made a determination already to seal it? And now you're asking him to open it, or her to open it?"

Lang: "No different than if a case is over and a judge has ruled one way or the other some party has the opportunity..."

Johnson, Tom: "You've just let a third party into the action in essence."

Lang: "We're going to allow when a public hazard is involved. I think it's appropriate that anyone who can be injured by a product, I think it's appropriate that any investigative body who could give the information to the public, to protect the public good, have the opportunity to make a Motion."

Johnson, Tom: "I agree with what you are trying to get at. I have some technical problems with that, though. Now, the judge says 'no'. You know it's an in camera inspection or whatever, and he's already sealed it and it remains sealed. Now, what are the sanctions if he wrongfully continues to keep it sealed?"

Lang: "There's no sanctions, he's the judge. That is what the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Appellate Court is for."

Johnson, Tom: "Okay. So you see it going up to the Appellate Court and the Supreme Court ultimately reviewing that ruling of that judge?"

Lang: "I suppose that's possible. Understand the backdrop of this. People go to a court and the court... and they want to seal their record. The judge may decide it's not a public hazard but the judge may decide that on grounds that are just, as I said before, they want to get the case off their docket. Perhaps someone can make a cogent argument that wasn't made previously about why that particular product is dangerous. Let's take the example where the original litigants, one of them is pro se. Maybe they don't want to make the argument that it is a public hazard. Maybe no one makes the argument that it's a public hazard. Maybe the judge doesn't even look at whether it's a public hazard. Just as we have the ability and statute today to make a Motion for judgement notwithstanding the verdict or a Motion to vacate a judgement or a Motion to reconsider. All of these are in the law today, I see this is no different."

Johnson, Tom: "Okay. My only problem there is the whole enforcement mechanism, okay. Now if the documents are sealed, I'm a third party who goes... you know, ultimately maybe I have a case against them. I'm trying to figure out how this would work. I'm going to have a case against the defendant, am I going to do a defendant search and find out, 'oh, that guy was sued by such and such a person'? I now go in and want to get that... those documents unsealed. See what I'm saying? Basically, somebody's got to be there constantly anyway, to know whether or not this is even an issue."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Lang: "If the court records are sealed, because the judge determined it's not a public hazard and some other litigant in some other case believes those are relevant documents. Well they ought to be able to try to get those documents. Remember the premise is, we should have open courthouses. I know that you believe in that. These are citizens courthouses, taxpayer courthouses. When you file a lawsuit, you know that this record is open to the public. It ought to be open to the public. And so that's the backdrop of all of this. So, to say that there's something wrong or heinous about somebody in case two, going to try and get the records in case one to prove their case. I don't see any problem with that."

Johnson, Tom: "Okay, is it malpractice if I don't go after that?"

Lang: "I'm not here to discuss attorney malpractice, it's not something that's on my agenda."

Johnson, Tom: "I'm worried about that. Okay. All right. Thank you."

Speaker Brunsvold: "The Gentleman from Cook, to close. Representative Lang."

Lang: "Well, thank you, Mr. Speaker, Ladies and Gentlemen. We had a spirited conversation about this piece of legislation. But let's take a look at what it is and what it does. What it would do it would have Illinois join several other states, that I believe are very enlightened in this to protect the public good. We have cases today in the courtrooms of Illinois where parties agree because they want to settle their case, that they're going to close the public record. Now, in a lot of cases that's fine but in a case that involves a product or a vehicle or something that could injure us, injure our children, injure our constituents, do we really want to keep that information

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

private? Defendants will pay thousands of extra dollars to get the records sealed just to get it. They'll pay plaintiffs all kinds of money if they'll promise to close the record because then they don't have to fix the product. They don't have to fix that schoolroom lunch table. They don't have to fix the engine in the Ford Pinto that blows up. They don't have to take the poison out of those drugs that are injuring our families. We don't want that to happen in Illinois. We have to protect the public that's why we're here. That's why we're here. Court secrecy has endangered the public. In the case of breast implants that were shown to leak, in a 1984 case in Idaho the information about those breast implants because of one of these agreements was kept from the general public till 1990, until someone accidentally discovered it. A Chicago orange juice distributor was diluting pure orange with carcinogens. This was kept from the general public because of one of these secrecy agreements. American Motors had a Jeep that had roll over problems, rather than fix the roll over problems, American Motors just settled with all the plaintiffs so they could keep the information secret and they kept making those cars and making those cars and people rolled over, and over, and over, and ended up in hospitals because court records were secret. We have an obligation to protect our constituents, this Bill will help do that. Please vote 'aye'."

Speaker Brunsvold: "The question is, 'Shall House Bill 538 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Mr. Turner has asked for a verification. Persist in the verification, Mr. Turner? Will the Clerk, please

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

read the Affirmative Roll."

Clerk Bolin: "A poll of those voting in the affirmative.
Acevedo. Boland. Bost. Bradford. Brosnahan. Brunsvold.
Bugielski. Burke. Clayton. Coulson. Crotty. Currie.
Curry. Dart. Davis, Steve. Deering. Durkin. Erwin.
Fantin. Feigenholtz. Flowers. Fritchey. Gash. Giglio.
Giles. Granberg. Hannig. Hartke. Holbrook. Howard.
Johnson, Tom. Jones, Lou. Kenner. Kosel. Lang.
Lindner. Lyons, Eileen. Lyons, Joseph. Mautino.
McAuliffe. McCarthy. McGuire. McKeon. Mitchell. Moore,
Eugene. Murphy, Harold. Myers. Novak. O'Brien.
Persico. Phelps. Poe. Ronen. Roskam. Saviano.
Schakowsky. Schoenberg. Scott. Scully. Silva. Slone.
Smith. Turner. Winkel. Woolard. Younge. And Mr. Speaker.

Speaker Brunsvold: "Questions of the Affirmative Roll, Mr.
Turner."

Turner, J: "Representative Bradford?"

Speaker Brunsvold: "Representative Bradford, is still in his
chair."

Turner, J.: "Representative Poe?"

Speaker Brunsvold: "Is Representative Poe in the Chamber? Poe,
excuse me. Representative Poe. Is Representative Poe in
the Chamber? Clerk, please remove him."

Turner, J.: "Representative Lou Jones?"

Speaker Brunsvold: "Lou Jones. Representative Lou Jones.
Monique Davis, requests verification. Is there leave for
Monique Davis verification? Yes. Lou Jones, please remove
her from the Roll Call."

Turner, J.: "Representative Phelps?"

Speaker Brunsvold: "David Phelps, is David in the Chamber? He's
right in back by his seat."

Turner, J: "Art Turner?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Speaker Brunsvold: "Mr. Turner. Is Mr. Turner in the Chamber?

Please remove him."

Turner, J.: "Representative Morrow?"

Speaker Brunsvold: "Is Representative Morrow in the Chamber? Did Mr. Morrow vote?"

Speaker Brunsvold: "He is not voting. Need my glasses too, Representative." I'm getting old."

Turner, J.: "How about Representative Durkin?"

Speaker Brunsvold: "Please restore Mr. Turner, to the roll. Mr. Morrow's returned but he wasn't voting. Is Mr. Turner back? No, do not restore Mr. Turner. Art Turner. Representative, any more questions?"

Turner, J.: "Yes. Representative Durkin?"

Speaker Brunsvold: "Representative Durkin. Representative Durkin. In back of the Chamber."

Turner, J.: "Representative Bost?"

Speaker Brunsvold: "Representative Bost. Is Representative Bost in the Chamber? Please remove him."

Turner, J.: "Representative Capparelli?"

Speaker Brunsvold: "Representative Capparelli. Voting no."

Turner, J.: "Well, let's leave him up then. Representative Clayton?"

Speaker Brunsvold: "Leave to be verified for Mr. Deering. Leave has been granted. Who did you question, Mr. Turner? Art Turner's returned, please return him to the Roll Call. Representative Turner, who did you question?"

Turner, J.: "Representative Clayton?"

Speaker Brunsvold: "Representative Clayton. Is Representative Clayton in the Chamber? Please remove her."

Turner, J.: "Representative Burke, please?"

Speaker Brunsvold: "Representative Burke. Dan Burke in the Chamber, please? Please remove Mr. Burke from the Roll

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Call."

Turner, J.: "Representative Kosel?"

Speaker Brunsvold: "Representative Kosel, is Representative Kosel in the Chamber? Please remove her. Any further questions?"

Turner, J.: "Representative Eugene Moore, please?"

Speaker Brunsvold: "Representative Eugene Moore. Is Representative Moore in the Chamber? Please remove him."

Turner, J.: "Representative Tom Johnson?"

Speaker Brunsvold: "Representative Tom Johnson. Representative Tom Johnson. Please remove him."

Turner, J.: "Representative Shirley Jones?"

Speaker Brunsvold: "Pardon, Representative, who did you ask?"

Turner, J.: "Representative Saviano? Thank you, Mr. Speaker."

Speaker Brunsvold: "Representative Eugene Moore has returned. Please add him back to the Roll Call. Representative Hannig asks to be verified. Okay."

Turner, J.: "Representative Persico?"

Speaker Brunsvold: "Representative Vince Persico. Is Representative Persico in the Chamber? Please remove him. Steve Davis, Representative Davis asks to be verified."

Turner, J.: "Representative Saviano?"

Speaker Brunsvold: "Representative Saviano. Is Representative Saviano in the Chamber? Please remove him."

Turner, J.: "Representative Fritchey?"

Speaker Brunsvold: "Representative John Fritchey. Is Representative Fritchey in the Chamber?"

Turner, J.: "Representative Mitchell?"

Speaker Brunsvold: "Representative Fritchey is in the back of the Chamber. Representative Calvin Giles asks to be verified. Representative Giles. Further questions?"

Turner, J.: "Representative Mitchell, please?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Speaker Brunsvold: "Representative Mitchell. I think that's Mr. Boland in the back isn't it? Representative Jerry Mitchell, is he in the Chamber? Please remove him."

Turner, J.: "Representative McAuliffe?"

Speaker Brunsvold: "Representative McAuliffe. Representative Mike McAuliffe. Is Representative McAuliffe in the Chamber? Please remove him."

Turner, J.: "No further questions, Mr. Speaker."

Speaker Brunsvold: "The roll is closed, Representative. Representative Lang."

Lang: "Thank you, Mr. Speaker. Was there some sort of Republican Caucus that only some of them knew about? I don't understand where all those folks went. Usually they are so serious and disciplined and they stay on the House Floor and they... when they vote for something they mean it, and when they vote against it, they mean it. I don't know where all those folks went. Thank you, Representative Parke. Representative we haven't done a verification like this is a long time, Mr. Speaker. I'm wondering if it was done according to all the rules of the House. Could you ask the Parliamentarian, please?"

Speaker Brunsvold: "The Inquiry of the Chair, the verification was done correctly. Mr. Clerk, take the record. The Gentleman asks for Postponed Consideration. This Bill, having received 56 'yeses', 42 'noes', and 0 'presents', has been placed on the Order of Postponed Consideration. Mr. Clerk, what's the status of House Bill 700?"

Clerk Bolin: "House Bill 700 is on the Order of House Bills, Third Reading."

Speaker Brunsvold: "Place that Bill on Second Reading, please. Mr. Clerk, what's the status of House Bill 1751?"

Clerk Bolin: "House Bill 1751 is on the Order of Third Reading."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Speaker Brunsvold: "Place that Bill on the Order of Second Reading. Status of House Bill 494?"

Clerk Bolin: "House Bill 494 is on the Order of House Bills, Third Reading."

Speaker Brunsvold: "Place that Bill on Second Reading. Mr. Clerk, the status of House Bill 1758?"

Clerk Bolin: "House Bill 1758 is on the Order of House Bills, Third Reading."

Speaker Brunsvold: "Place that Bill on Second Reading. Mr. Clerk, the position... or the status of House Bill 1808?"

Clerk Bolin: "House Bill 1808 is on the Order of House Bills, Second Reading."

Speaker Brunsvold: "Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1808, a Bill for an Act to amend the Department of Human Services Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments, and no Motions filed."

Speaker Brunsvold: "Third Reading. House Bill 1439, Mr. Clerk. What's the status of that Bill?"

Clerk Bolin: "House Bill 1439 is on the Order of House Bills, Second Reading."

Speaker Brunsvold: "Read the Bill, Mr. Clerk."

Clerk Bolin: "House Bill 1439, a Bill for an Act relating to academic centers of excellence. Second Reading of this House Bill. Amendment #1, was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Third Reading. What's the position of House Bill 524?"

Clerk Bolin: "House Bill 524 is on the Order of House Bills, Third Reading."

Speaker Brunsvold: "Place that Bill on Second Reading. Representative Monique Davis, for what purpose do you

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

rise?"

Davis, M.: "Thank you, Mr. Speaker. I'd like to announce that the Human Service Appropriation Committee hearing will be a 9:00 a.m. and not 8:00 a.m. Human Service Appropriation Committee will met at 9:00 a.m. on tomorrow, Thursday."

Speaker Brunsvold: "Do the Members understand the Human Service Approp. Committee will met at 9:00 instead of 8:00 tomorrow morning? Representative Black, the Gentleman from Vermilion for what reason do you rise?"

Black: "Yes, thank you very much, Mr. Speaker. I've had my light on since the matter of the verification. I have an Inquiry of the Chair. We don't know who the Parliamentarian is. Every time we look up there it is somebody new. You had an outstanding gentleman serve as Parliamentarian for years. We had a young lawyer, did an outstanding job last year, Bryan Schneider. Are you going to be revolving parliamentarians or are we going to be working with somebody that we can get to know?"

Speaker Brunsvold: "Actually Frank Mautino here, is standing here, would like to be the parliamentarian also."

Black: "Would be unanimously accepted on our side but that still doesn't answer the question."

Speaker Brunsvold: "Representative Black, I need all the help I can get."

Black: "So, it's just going to kind of be a floating Parliamentarian then, I see."

Speaker Brunsvold: "We have two individuals who are very capable."

Black: "Just so we know who to vent our frustration. The man is doing the best he can but we'll be up and talk to him shortly."

Speaker Brunsvold: "Thank you, Mr. Black. Representative Younge,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

for what reason do you rise?"

Younge: "Thank you, Mr. Speaker. The Education Appropriation will met at 9:00 o'clock also."

Speaker Brunsvold: "Education Appropriation will also met at 9:00 o'clock instead of 8:00 o'clock. House Bill 545, the Gentleman from Kendall, Representative Cross. House Bill 545. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 545, a Bill for an Act to amend the Criminal Proceeding Interpreter Act. Third Reading of this House Bill."

Speaker Brunsvold: "Mr. Cross. Is Mr. Cross in the Chamber? Mr. Clerk, take that Bill out of the record. House Bill 570. The Gentleman from... House Bill 570, the Gentleman... Mr. Clerk, read that Bill."

Clerk Bolin: "House Bill 570, a Bill for an Act to amend the Illinois Clean Indoor Air Act. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Cook, Representative Dan Burke."

Burke: "Thank you, Speaker. Quite simply House Bill 570 would ban the smoking in any health care facility in the State of Illinois with the exception of nursing homes and that was as amended in committee, and I would be happy to answer any questions."

Speaker Brunsvold: "Is there any discussion? The Gentleman from Livingston, Mr. Rutherford."

Rutherford: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "The Gentleman indicates that he will yield."

Rutherford: "Representative Burke, you said in any facility in the State of Illinois, does that include a private residence?"

Burke: "I said, 'any health care facility.'"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Rutherford: "Any health care, I'm sorry. Any health care facility. What was the... could you tell us who some of the proponents of this may be?"

Burke: "Most importantly the Illinois Medical Society."

Rutherford: "And as far as opposition, I assume primarily would be the tobacco industry?"

Burke: "There were no filed opposition statements that I'm aware of."

Rutherford: "Great. Thank you very much."

Burke: "Thank you."

Speaker Brunsvold: "Any further discussion? The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "Indicates he will."

Black: "Representative, I notice in your Amendment you specifically exempt nursing homes. Now what's the difference between a nursing home and a hospital? I know the difference. But why would one be covered under this Act and one not be covered?"

Burke: "Probably a number of difference reasons, Representative. But primarily it was a regard for residents of nursing homes who, by some estimate unfortunately are addicted to the use of tobacco and a particularly elderly age it was believed that it would be rather unfair to preclude their continued use of tobacco at an elder age. And as we amended the Bill there was no opposition from the major proponent, the Illinois State Medical Society. So, it was just simply a consideration for elder citizens of Illinois who unfortunately have to reside in a nursing home and want to continue the habit of smoking."

Black: "All right, but often... as often happens you may be

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

transferred from a nursing home to a hospital. I know that happened to my grandfather quite often. Now, if you have a very elderly individual and he or she can smoke, if that be their pleasure in life, at the nursing home and suddenly they're transferred back to a hospital for some more intensive medical care for a matter of days or maybe a matter of weeks and all of a sudden they can't smoke. I would... it would seem to me that that's an inconsistency here. The individual's transferred from his or her residence in a long term care facility back to a hospital. They are used to smoking, say after breakfast or after lunch and all of a sudden now they can't smoke. What might... might not that not do something to the mental state of that patient?"

Burke: "Well, as you know, Representative there are all different levels of nursing care available in that particular area and in the instance that you described where one would be transferred to a medical care facility for some type of treatment, unfortunately would be precluded from smoking. But again, as they would return to a nursing care facility where it's more residential they would again resume that habit if they chose. And I don't see that there would be any major conflict between exempting out a residential nursing care facility and as you said, I would describe that type of environment closer to one of being a home than a medical treatment facility."

Black: "I guess what confuses me about this whole issue is why do we need a state law, when hospitals who are staffed by the members of the medical society if they want to be a no smoking area and I assume that most of them already are. I mean, is there some reason why we have to mandate this and not leave it up to the hospital staff and the medical staff

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

if they want to be a smoke-free environment? I would assume they would do that and I'm trying to think, I haven't been in a hospital recently that is not a smoke-free facility. I mean they have already done that. So, why is the... why is it necessary for the State of Illinois to come along and then mandate this on any and all?"

Burke: "Due to the fact that there is divergence among the municipalities throughout the states. Some control it, some ban it, this would just nail it down and give a very specific direction to all health care facilities in the state that no smoking would be permitted in any."

Black: "One of the hospitals that I have a relationship with, in other words I've been there as a patient more than I'd like. They have a smoking area that's outside. They've kind of built like a patio, for lack of a better word that's what I would call it. And in good weather they would go out there and I noticed when I was in there a week or two ago, they even have a little, like a sun room, you know, where it's aluminum and glass and I think they even have heaters in there where people can go out and smoke, for those who are so addicted. Now, would that be prohibited under this law that they have a special area set aside? It is outside in like a courtyard area. Would this preclude them coming up with an area such as that?"

Burke: "No, and as you know the statute that would regulate this activity is called the Clean Indoor Act and the instance that you just described would be perfectly permissible and that would continue in any facility that chose to make those special arrangements."

Black: "But as I recall in some of our deliberations, we got so carried away that... you cannot smoke, for example, in a

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

football stadium. You can't smoke anywhere on high school property and that includes a football stadium. I don't really remember whether Memorial Stadium at the University of Illinois, we did or they did. But I know you can't smoke at Memorial Stadium. Which doesn't bother me because I'm a non-smoker. But I don't... I guess I just have problems with Bills mandating... I have a lot more confidence in hospital staff and medical staff, and I think most of them are already smoke-free. And from what you said about various city ordinances, then are you preempting Home Rule in this?"

Burke: "Yes. And in the instances that you just cited, the sports arenas and so forth, the other areas. As you might be well aware, there is no smoking permitted on this House Floor but if you look to your rear, you'll see waves of smoke coming up, clouds of smoke coming from the men's room.'

Black: "Ha, ha. What a joke. You know, I might join you in a Bill to stop that more quickly than I would impose something on a medical staff, that I'm sure if they know enough would already be smoke-free, anyway. Because I am allergic to that smoke and every time I go back there I put up with it. I'm trying to be friendly with my colleagues. But it does seem a little hypocritical for us to allow it, in fact, not too many years ago when cigars became popular they set off the smoke alarm, as I recall in the middle of one of my Bills. Which was a dastardly deed but we all had to evacuate. I don't have any problems with the Bill, Representative. I just, I don't know. I just think that people should be, who run these hospitals, who run these clinics should make that decision rather than having it made for them but I appreciate, as always your forthright

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

answers and the fact that you've probably alienated many of the Members in the Chamber by your recent reference to the back of the room. But I admire your courage."

Burke: "Don't worry, Representative. I'll be back there with them in just a moment. I'll need the cigarette after the way you drilled me."

Speaker Brunsvold: "The Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. This is not a question really. Representative Burke, I really sympathize with the intent of this Bill. Despite the fact that I share some of the concerns of the prior speaker about our unfortunate propensity to tell the people at home what to do all the time as though we had somehow the opinion that they can't make good decisions on their own, we have to make decisions for them. But even putting that aside, it really troubles me that we have through some advice that has been given to you, exempted nursing homes from this requirement. I'm not sure we ought to have the requirement at all. But if we are going to have it, it would seem to me that nursing homes, because of the age and frailness and in many respects the incapacity to defend themselves or to speak for themselves of so many people in nursing homes that, maybe it is more important, if we're going to do this at all, to do it in nursing homes than it is to do in regular hospitals, or clinics or other types of health care facilities. Representative Burke, I have had a great many experiences with nursing homes. My father spent a good deal of time in one. My mother spent several years in one and died there last year in mid-May. So, I have been visiting nursing homes as often as three or four times a day over long periods of time. And one thing that I

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

observed is that an awful lot of people in nursing homes have to have oxygen supplies. Sometimes intermittently, not constantly but just on occasion. It is extremely dangerous to smoke around an oxygen supply. It is highly likely to cause a fire. There is probably more use of oxygen in nursing homes than there is in regular hospitals. So, frankly, I think the flaw in this Bill is the fact that it does not include nursing homes and it is for that reason and that reason principally that I stand in opposition to this Bill."

Burke: "I might want to clarify a question that Representative Black had asked earlier with respect to the preemption of Home Rule. This Bill does not preempt Home Rule."

Speaker Brunsvold: "The Lady from Cook, Representative Erwin."

Erwin: "Thank you, Mr. Speaker. I rise in strong support of this measure. I would point out to some of my colleagues that our Attorney General, Jim Ryan is right now involved in litigation to try and recover on behalf of the taxpayers of this state some of the funding that we must spend through our now exorbitant Medicaid costs to pay for the ill health effects that result from smoking. So it seems perfectly legitimate, and I think consistent for us to on one hand while we're trying to recover some of those costs to on the other hand make sure that the same health care institutions are not permitting the very thing that may be, albeit inadvertently, but increasing our Medicaid costs. So, I would urge you to look at this as something that is very consistent with state policy on trying to, not only promote healthy habits and prevention but also perfectly consistent with the fact that our Medicaid budget is now one that we have a very difficult time getting a hold of. So, I think that Representative Burke's idea is a good one which is why

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

I'm the Cosponsor. I urge an 'aye' vote."

Speaker Brunsvold: "Seeing no further discussion. The Gentleman from Cook, Representative Burke, to close."

Burke: "Thank you, again Speaker. For those previous speakers who might have suggested that there would be smoking next to an oxygen tank and maybe nursing homes shouldn't have smoking permitted at all and take that right of an older citizen who has probably smoked for 70 years and deny them that continued pleasure. I say to them, why don't you think about this a little more seriously. We're not in the business of taking privileges away from people but certainly when you consider health care facilities understanding that they are treating medical problems, certainly we would have to suggest that no smoking could occur. Many of the problems that they are treating in these facilities are those related to smoking. So it would be absolutely hypocritical to insist that smoking could continue in the very same institutions that are trying to cure individuals. So, I would ask my colleagues to consider this matter seriously and as those who spoke previously suggested, there are great regulations and great controls already in place throughout the state but this would in a sense nail it down and say to the entire state that there would be no confusion in health care treatment facilities and that there would be no longer any smoking permitted in any health care facility in the state. Thank you very much."

Speaker Brunsvold: "Thank you, Representative. The Parliamentarian indicates that this Bill will require 60 votes. It does not preempt Home Rule. With that the question is, 'Shall House Bill 570 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question, there are 110 'ayes', 3 'noes', 2 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what's the status of House Bill 1534?"

Clerk Rossi: "House Bill 1534 is on the Order of House Bills, Third Reading."

Speaker Brunsvold: "Place that Bill on Second Reading, Mr. Clerk. Mr. Clerk, what's the status of House Bill 1093?"

Clerk Rossi: "House Bill 1093 is on the Order of Second Reading."

Speaker Brunsvold: "Please, read the Bill."

Clerk Rossi: "House Bill 1093, a Bill for an Act amending the Illinois Municipal Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Brunsvold: "Third Reading. Mr. Clerk, status of House Bill 1918?"

Clerk Rossi: "House Bill 1918, a Bill for an Act to amend the Illinois Municipal Code. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Fritchey, has been approved for adoption."

Speaker Brunsvold: "Mr. Clerk, take that Bill out of the record. House Bill 574."

Clerk Rossi: "House Bill 574, a Bill for an Act relating to school district boundaries. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Macoupin, Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. As a downstate Legislator who has experienced the pain and difficulty that a small town has faced when they were

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

forced to close their school. Let me tell you that this Bill is an effort to try to create some equity in the process of making that decision for our community. Under the current law if a school decides that they wish to consolidate with a neighboring school, it requires a referendum vote of both districts in order for the consolidation to take place. But, under the current law if one school district and another decide that that school district should be annexed to the neighboring school district, it simply requires a vote of a school board. To me, there seems to be no difference between a consolidation and a annexation. Certainly it may be but a small technical difference and to the person at the coffee shop on Saturday morning. They see no distinction at all. So this Bill would propose that in cases of annexations that a referendum of the school district should required as well. So that we would have a equity between consolidations and annexations. This Bill was heard in Education Committee and passed out, I think on an Attendance Roll Call. I would be happy to answer any questions and I ask for your 'yes' vote."

Speaker Brunsvold: "Are there any questions, any discussion? The Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Mr. Speaker, this is a very good Bill. It deserves the vote of every Member of this Chamber."

Speaker Brunsvold: "Is there any further discussion? The question is, 'Shall House Bill 574 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted that wish? Have all voted that wish? Have all vote who wish? Clerk take the record. And on that question, there are 117 'ayes', 0 'noes', and 0 'presents'. And this Bill, having received a Constitutional Majority,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

is hereby declared passed. House Bill (sic-577) 597."

Clerk Rossi: "House Bill 577, a Bill for an Act to amend the State Police Act. Third Reading of this House Bill."

Speaker Brunsvold: "Representative Saviano, the Gentleman from Cook."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 577 is a pretty simple Bill. It's a Bill that was initiative of the Troopers Lodge 41, which would provide a 5% raise to state troopers in the middle of their 12th year of service. Currently the years that they receive raises are in their 6 1/2 year, 8th, 10th, 15th, 17 1/2, 20th, 22 1/2, and 25 years, but from 10 to 15 years, they were never offered a pay raise. And what we are experiencing is a high turnover of troopers in that period of time because they become vested with the State Police Pension Fund at 8 years and... once they get that pay raise in the 10th year we had a high attrition rate and this was a mechanism that would provide incentive to hold on to good troopers in service. And I would ask for a favorable consideration."

Speaker Brunsvold: "Representative Lang, for what reason do you rise?"

Lang: "Representative, there seems to be some confusion about the Bill. Speaker could we ask the Sponsor to take this out of the record?"

Speaker Brunsvold: "Representative Saviano, will you take this Bill out of the record for a..."

Lang: "We'll get back to it."

Speaker Brunsvold: "until we get back to it."

Saviano: "Fine."

Speaker Brunsvold: "Mr. Clerk, take that Bill out of the record. Mr. Clerk, 597."

Clerk Rossi: "House Bill 597, a Bill for an Act to amend the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Consumer Installment Loan Act. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Cook, Representative Saviano, 597. My apology Mr. Saviano"

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 597 is a Bill which would provide a revolutionary technology brought to Illinois which would allow loan firms to make loans through electronic machines. The Bill is originally supported by the Illinois Financial Services Association and I'd be happy to answer any questions?"

Speaker Brunsvold: "Is there any questions on House Bill 597? Any discussion? Mr. Black, the Gentleman from Vermilion."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "Indicates he will."

Black: "Representative, have other states had a history of this?"

Saviano: "Yes, the other states are Nevada, Oregon, West Virginia, and currently they're in the process of approving them in Indiana and Minnesota."

Black: "And it is specifically, prohibited in your Bill that one of these... you're not going to be able to arrange a loan on a ATM on a riverboat, are you?"

Saviano: "That is correct."

Black: "What would this Bill do to the consumer loan industry? It would appear to me that it would be completely... this portion would then be completely deregulated. I could go to a machine and make a loan where as if I go to a bank or a savings and loan, there is certain regulatory provisions that they have to meet. How's this machine going to meet those same regulatory provisions?"

Saviano: "The machine would be part of a licensed consumer loan operation. The machine would act under the same

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

restrictions and regulations that your conventional loan companies would do."

Black: "How much money can I borrow under your law, under your proposal? How much money could I borrow from a ATM machine?"

Saviano: "Up to \$10 thousand."

Black: "What kind of reprogramming will be necessary? Right now there is no way I could get \$10 thousand out of a automatic teller machine. Aren't they limited to like \$250 or something, you know, as to how much you can withdraw from a machine?"

Saviano: "Yeah, ATM's are, but these are automated loan machines."

Black: "Automatic loan machines. Who reviews my loan application?"

Saviano: "The information, I guess we should probably explain to you, Representative Black, how you go about getting this loan. You go to the machine, it requires that you have your drivers license, a credit card for identification or verification of your credit. The machine reports to a central location which then authorizes the amount of your loan and the machine provides you with a check. Okay, now by providing you a check, obviously that is an additional consumer protection aspect of the Bill which means that you have to go cash that check. If you acquire that check in any illegal means, then you would be subject to check fraud or some other deceptive practice."

Black: "Let me focus on that for a while. Bankruptcies are at an all time high. What would prevent me from going to a bank? I get a loan ostensibly for an automobile. I complete my transaction at the bank. I come back the next day and they loan me the money. Then what prevents me from walking down

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

the street to an automatic loan machine, taking out another loan for \$10 thousand based on the criteria that I used at the bank? I mean, how is the machine going to know that earlier that day I got a \$10 thousand loan on the same car? I mean..."

Saviano: "This is an unsecured loan. This has nothing to do with automobiles, has nothing to do at homes, has nothing to do with any secured debt. This is an unsecured debt and the point of the matter is, is that if this company wishes to lend out this money as unsecured debt, that's their right. So, what you're trying to say is, you're talking apples and oranges here. You're saying in an instance that, you know, you don't want two liens on a car. This has nothing to do with secured debt. This is strictly unsecured debt. Just as if you would go out and get a cash advance on your credit card."

Black: "Then what would the risk factor be if I were going to declare bankruptcy? I could run down to the machine and withdraw \$10 thousand on an unsecured note early that morning and file that afternoon?"

Saviano: "Well, I'm not really familiar with U.S. Bankruptcy Laws but I'm sure there's a stay on what you could do if you've already filed bankruptcy and you continue to accumulate unsecured debt. I'm sure there is some provision within our bankruptcy laws that prohibits you from doing that and if you do, there is a recourse."

Black: "Okay. My last question then. Since this is a unsecured loan and through kind of an interesting procedure, electronically, I would assume the risk factor is high therefore, the interest rate could be high. Is there anything in your Bill that states what they can or cannot charge as an interest rate for this unsecured loan?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Saviano: "No, there isn't and it's also... just like a bank would adjust the interest rate according to what your credit rating is. This would also do the same."

Black: "All right. But, then there would be, I'm assuming then that if I borrow this money from this machine... where do I get my credit, you know, constructive notice on what this is going to cost me? Is that part of the transaction or will I see that on the screen that I will be charged 8% or 12%?"

Saviano: "Yes. Yes. The disclosure will be on the machine."

Black: "Okay. Thank you, Representative. I appreciate that. Thank you."

Speaker Brunsvold: "Any further questions? Any further discussion? Representative Saviano, to close."

Saviano: "Thank you very much, Mr. Speaker. This is new technology that we're getting an opportunity to introduce in this state and I would appreciate your favorable vote. Thank you."

Speaker Brunsvold: "The question is, 'Shall House Bill 597 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 83 'yeses', 25 'noes', 5 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 577. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 577, a Bill for an Act to amend the State Police Act. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Cook, Representative Saviano."

Saviano: "Thank you, Mr. Speaker and Members of the House. I previously explained this Bill. We took it out of the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

record. Again this is legislation that will provide a pay increase for troopers in this state in their 12 1/2 year. This is an incentive program to keep our state troopers in their positions. There has been a tendency for them to leave between the 10 and 15 year marks and I would ask for your favorable consideration. Thank you."

Speaker Brunsvold: "Any questions? Any discussion on the issue? Seeing none, the question is, 'Shall House Bill 577 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 110 'ayes', 2 voting 'no', 2 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 613. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 613, a Bill for and Act amending the Business Corporation Act of 1983. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. This is a Bill that was proposed by the Chicago Bar Association, passed out of committee 11 to 0 and 0, in Judiciary. I don't know of any opposition. It amends the Business Corporation Act with respect to votes required for business combinations. And basically it increases the threshold share of ownership level from 10 to 15% before an individual shareholder is considered an interested shareholder. I don't know of any opposition. It's a Bill that brings us more in line with Delaware Corporation Law and that's how a lot of corporations in this state are incorporated. I'll be glad to try to answer any questions."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Speaker Brunsvold: "Is there any discussion on the issue? Any discussion? If not, the question is, 'Shall House Bill 613 pass?' All those in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that issue, there are 115 'ayes', 0 'noes', 0 'presents'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 695. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 695, a Bill for an Act creating the Law Enforcement Intern Training Act. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Cook, Representative Capparelli."

Capparelli: "Thank you, Mr. Speaker. House Bill 695, creates the Law Enforcement Intern Training Act. This would allow the Illinois Law Enforcement Training and Standard Board to begin a program which would allow civilians to enter a certified academy for a purpose of receiving a certification under the Illinois Police Training Act. There is no opposition that I know of, it's proponents are the Police Illinois Association, Chief of Police Association, Fraternal Order of Police, The Police Benevolent Fund and the Sheriff's Association. I ask for a favorable Roll Call."

Speaker Brunsvold: "Is there any discussion on the issue? The question is, 'Shall House Bill 695 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that issue, there are 117 'ayes', 0 'noes', and 0 'presents'. This Bill, having received a

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Constitutional Majority, is hereby declared passed. House Bill 689. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 689, a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Saline County, Representative David Phelps. Take the Bill out of the record. House Bill 545. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 545, a Bill for an Act to amend the Criminal Proceeding Interpreter Act. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. This is a Bill that was suggested to me by our Chief Judge in the 16th Circuit of Kane, Kendall, and Will or Kane, Kendall, and DeKalb County. Passed out of committee, I believe unanimously after it was amended. It simply allows a judge when the party has the ability to pay, to pay for an interpreter as a condition of supervision, probation or of a guilty finding pursuant to a criminal case and as I stress, only in the case where someone is not indigent. Does not apply to hearing impaired. Would be glad to any questions."

Speaker Brunsvold: "Any discussion on the issue? The question is, 'Shall House Bill 545 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that issue, there are 117 'ayes', 0 'noes', and 0 'presents'. This Bill, having received a Constitutional Majority, is hereby passed. House Bill 768. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 768, a Bill for an Act concerning fire safety. Third Reading of this House Bill."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Speaker Brunsvold: "The Gentleman from Cook, Representative Capparelli."

Capparelli: "House Bill 768, creates the Truss and Construction Safety Act. The Bill allows municipalities or a county to design a specific size and shaped emblem to be permanently affixed to the front of a building which utilizes truss construction. The intended purpose of the legislation is to assist firefighters and make them better aware of potentially dangerous condition of a building which has truss construction. The Bill is permissive. It's endorsed by the Chicago firefighters and downstate firefighters and there's no impact to the state. I would ask for a favorable Roll Call."

Speaker Brunsvold: "Any discussion on the issue? The Gentleman from Cook, Representative Dart."

Dart: "Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Dart: "The question was about truss isn't it, if that's not something that old guys wear. Trusses, what does it have to do with construction."

Capparelli: "Truss construction, I'm not an expert on truss construction but bowling alleys and auditoriums and I understand that if one collapses it takes an automatic effect they all collapse."

Dart: "It has nothing to do with hernias or anything like that?"

Dart: "Okay, thank you."

Capparelli: "Nothing to do with hernias."

Speaker Brunsvold: "Representative... the Gentleman from Jackson, Representative Bost."

Bost: "Mr. Speaker, I rise in support of this Bill, just to... for clarification of the Body. When truss construction is built, quite often what will happen is when a

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

firefighter will enter a building you are not able to see when a roof structure is going to fail because of the way it's built. And quite often it will cause a roof collapse. Firefighters will not realize that's the type building that they're dealing with. All this does is, it tags those type buildings and lets you know as you go into the building that you may be in the danger of a roof collapse, if a fire gets to a certain point. It's a very good safety Bill for firefighters. I stand in support of it and I would encourage everyone to support this Bill."

Speaker Brunsvold: "The Gentleman from McHenry, Representative Skinner."

Skinner: "Representative Capparelli, could you tell me if homes will be so tagged? Will homes have these little signs?"

Capparelli: "No, this doesn't include homes, no."

Skinner: "Not on homes."

Capparelli: "No."

Skinner: "Thank you."

Speaker Brunsvold: "Any further discussion? The Gentleman from Cook, Representative Capparelli to close."

Capparelli: "I would ask for a favorable Roll Call. Thank you."

Speaker Brunsvold: "The question is, 'Shall House Bill 768 pass?' All those in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. And on that issue, there are 115 'ayes', 1 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 772."

Clerk Rossi: "House Bill 772, a Bill for an Act amending the Illinois Solid Waste Management Act. Third Reading of this House Bill."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Speaker Brunsvold: "The Gentleman from DuPage, Representative Persico."

Persico: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 772 amends the Illinois Solid Waste Management Act to require the Department of Commerce and Community Affairs to study the management, collection, recycling, and reuse of used glass products on or before January 1st, 1998. It's a Bill that got out of committee '17' to '0' and I know of no known opposition to this Bill and I would be happy to answer any questions you might have."

Speaker Brunsvold: "And on that issue, the Gentleman from Kankakee, Representative Novak."

Novak: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Novak: "Representative Persico, is this your first Bill this Session?"

Persico: "Representative this is a Bill that I believe that you said, I should carry because you would have difficulty getting it through the House."

Novak: "That's a great idea. I think it's a fine Bill and I urge everyone to support it."

Speaker Brunsvold: "Any further discussion? The Gentleman from Vermilion, Representative Black."

Black: "Actually, Mr. Speaker, that's my light being on for the Bill about six Bills ago that had a fee increase and you wouldn't recognize me. But you'll be forgiven, you're a rookie. Will the Sponsor of this Bill yield?"

Speaker Brunsvold: "Indicates he will."

Black: "Representative, I'm a big fan of government studies. I've learned so much in my life from government studies. What is this study going to tell us, that glass breaks?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Persico: "I think one of the things that it will tell us will be that glass does break but it also gives us a study so we'll see if there is a market for recycled glass."

Black: "And DCCA is the agency that should study this, why not the EPA?"

Persico: "We just felt that it was more appropriate in DCCA."

Black: "One thing I like about you Representative, your answers are honest and they cut right to the chase. Well I'm going to join with you because I think the future of the free world hinges on this study of glass and I want to be with you when we get the results. Please let me know when the results come in, will you?"

Persico: "I sure will and there will be other Bills coming of this measure, too."

Black: "Oh, wonderful. Thank you."

Speaker Brunsvold: "Any further discussion? Seeing none, the Gentleman to close."

Persico: "Just ask for a favorable Roll Call Vote."

Speaker Brunsvold: "The question is, 'Shall House Bill 772 pass?' And on that issue those voting 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this issue, 117 'yeses', 0 'noes', and 0 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 722. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 722, a Bill for an Act in relation to amphetamine and methamphetamine. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Madison, excuse me. The Gentleman from Madison, Steve Davis. Representative Steve Davis."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Davis, S.: "Yes, thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 722 amends the Illinois Controlled Substances Act. It makes the penalties for the unlawful manufacture, delivery, and possession of amphetamine or methamphetamine the same as the penalties for unlawful manufacture, delivery, and possession of equivalent amounts of cocaine. Amends the Unified Code of Corrections to provide that a person convicted of the manufacture or delivery of more than 5 grams of the amphetamine or methamphetamine may not receive probation, periodic imprisonment, or conditional discharge. And I might add, Speaker, that this Bill passed unanimously out of Judicial... Judiciary Criminal Committee and I am not aware of any opposition to the Bill. And I would be more than happy to answer any questions."

Speaker Brunsvold: "Discussion on the question? The question is, 'Shall House Bill 722 pass?' All in favor vote 'aye'; opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, take the record. And on that question, there are 112 'ayes', 0 voting 'no', 4 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 806. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 806, a Bill for an Act to create the Home Inspection Fraud Prevention Act. Third Reading of this House Bill."

Speaker Brunsvold: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 806 creates the Home Inspection Fraud Prevention Act to regulate persons providing home inspection services through reporting requirements."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Currently anyone can become and call themselves a home inspector. They are becoming increasingly important in Illinois because of several reasons. They are only used or primarily used at the end of a negotiation between a seller and prospective purchaser. The home inspectors without any qualifications currently can walk in and make critical comments about all facets of a house including the electrical, the structure itself, the roof, the heating, all elements involved in a house can be criticized. Many of these are done by a licensed certified union electricians, union plumbers, their work is being analyzed, criticized by somebody without any background and any proven knowledge of those important fields. So this Bill would require them to only join a National Association of Home Inspectors and abide by their code of ethics which would require them to not knowingly misrepresent the condition or any part of the condition of a house. As you can see, it been supported by both sides of the aisle and I would request a favorable vote tonight. I would be glad to answer any questions."

Speaker Brunsvold: "And on that question, the Gentleman from McHenry, Representative Skinner."

Skinner: "Yes, I wonder if the Gentleman would yield for a question? Or two."

Speaker Brunsvold: "The Gentleman indicates that he will yield."

Skinner: "Is this another attempt to license another profession?"

Biggins: "No. Representative, this does not license them. That may turn out to be the case in a few years. Right now the relators, which are strongly supporting this Bill are afraid that with the new requirements nationally, in terms of environmental responsibilities in reporting of such, the deals are going to be killed. The home inspector becomes

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

that much more important. Right now the Department of Professional Regulations or the relators say, that it costs about \$3 million dollars to regulate the relators. So, this is... a massive undertaking it, if that were to happen. Hopefully, that won't be necessary if we pass this Bill. And it won't be necessary to regulate or license them later. Although, I think we will see nationally and statewide in particular, as far as we are concerned, a large effort to go ahead and put more requirements into these people, because they are really becoming extremely powerful due to the high cost of homes and of the high cost repairing homes when these structures are analyzed at sale. I also might add that the American Association of Retired Persons is interested in the Bill. They could not come onboard for it. But, they are concerned that the equities in the home would be affected by those seniors selling these homes to somebody, who starts to negotiate from when the buyer has already made a decision to buy and seller has decided to sell the price comes down and affects the value of house and the equity that the senior has built up."

Skinner: "All right, we are not forcing them to become licensed. Are we forcing them to join a trade association, a private trade association?"

Biggins: "That's correct. And abide by their code of ethics. Right now there is nothing. Your uncle can go out and make comment on the heating, the electrical, all matters of plumbing in the house, what roof is going to last x number of years. And they have no standards, whatsoever."

Skinner: "It just seems a bit anti-competitive to me for state government to be forcing people to join a particular trade association. Thank you."

Speaker Brunsvold: "The Gentleman from Kankakee, Representative

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Novak."

Novak: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Novak: "Representative Biggins, do municipalities have any power to control these home inspectors as of now?"

Biggins: "Yes, there are municipalities that have their own home inspectors."

Novak: "Are they employees of the municipality or are they on contract or can you explain?"

Biggins: "It varies according to municipality, because some have their own, some of them don't have their own. It is their own jurisdictional decision. And we have worked with the Municipal League through this process. And they are well aware of this legislation. They are not opposed to it."

Novak: "Well, how do we enforce this Act? Who is in charge of enforcing this Act? Local police?"

Biggins: "No, Sir. The Act initially would be enforced by the good will of the home inspectors, who would have to register with this national organization. Now, later on there may be more enforcement measures necessary if these tenants are not followed. But, to initiate a massive enforcement program at this point would be very costly. And without a particular agency in the state that is willing to take this on, without funding at this time."

Novak: "Are most people using home inspectors prior to the sale of their real estate, prior before they put it out for sale?"

Biggins: "Yeah, in 1980, which you know how long ago that was, only 5% of the homes sold were inspected. By 1989 the figure was 30%. And now, particularly in every major urban area, it is closer to 90% of the homes that bring in an inspector at the closing of the deal."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Novak: "So, do any municipalities' local governments require that your home be inspected by a private entity prior to the sale?"

Biggins: "Yes, Sir, some do require that as municipal ordinance."

Novak: "Do you think we should look down the road to licensing these individuals?"

Biggins: "I think that's quite possible. But pending how the market plays this out. The market will determine this. If there a number of deals are done in by... before some home inspectors that may or may not be correct. Then I think we'll have more and more pressure upon the members to further restrict, or at least qualify, the individuals that perform this practice. But I don't think we need that now, that is why this Bill is being offered now for consideration."

Novak: "Are there any schools or institutes or training seminars that certify home inspectors before they can go out and inspect homes?"

Biggins: "Yes, the American Society of home inspectors does certify its members. And that's the organization to which I am suggesting the requiring the Home Inspectors to join to abide by their code of ethics, that's built into their operations."

Novak: "Okay. No further questions."

Speaker Brunsvold: "The Gentleman from Cook, Representative Lang."

Lang: "Thank you. Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Lang: "Representative, I think you have a good idea here. But I think you have some flaws in your Bill. And I want to ask you some questions that are not designed to keep you from passing a Bill but are designed to point out some problems

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

and maybe you'll then want to take the Bill out of the record and fix them. So will you help me do this?"

Biggins: "I'd be delighted to."

Lang: "Thank you. First you mentioned the issue of licensed plumbers and licensed carpenters and those types of union laborers. Can you repeat what you said about that?"

Biggins: "Well, the people... these people that work and are licensed as such, have gone through rigorous training, then certification to enable them to work inside of a home. And a home inspector without maybe the in depth knowledge that they would have would be commenting on their work and saying that some are below standard when indeed the home inspector may not be certified to qualify himself to comment on the quality of the work of those other people that labored in the home. This is a protection for their work as well."

Lang: "So, if a person who is a union electrician who was asked by a homeowner who might be a friend for a small fee to go through their home and do some inspection, would they be covered by this Bill?"

Biggins: "No, they would not. The home inspector that is hired and retained by the purchaser is someone who advises on the total... totality of the condition of the home not any one particular phase of it. However, a homeowner would be free to engage the friendly services of anybody he would want to make that comment."

Lang: "But that's part of the point. Perhaps a licensed union electrician who might be my next door neighbor might have some knowledge about some other areas and I may go to my next door neighbor and say, 'look I know you do... you make money doing this kind of thing. Here's 100 bucks. Not only check out my electrical system but take a look around my

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

house for me before I sell it, or go look at that other house before I buy it. Are they covered under this?"

Biggins: "Well, the situation to which you're referring is one of the reasons for the Bill. We have individuals commenting, not just on their area of expertise, but on areas of which they have no experience. This would protect the homeowner and his equity, and also, the purchaser from getting a correct report on the quality of home they are purchasing."

Lang: "Well, so I'm not sure you answered the question. Is that person... Do you anticipate that that person is covered under this Act?"

Biggins: "You mean would the person that the electrician you referred to be covered as a home inspector?"

Lang: "Would they be covered under the definition of home inspector as... ?"

Biggins: "If they were to join the national society of them, and abide by their Code of Ethics, it would enable them to participate in that. Yes, Sir."

Lang: "So, if a person does not join that society, then they don't have to abide by the restrictions in your Bill?"

Biggins: "No, they don't. Anybody can make a comment on the house, whether or not they know what they're talking about, scaring off the buyers, negotiating down the value of the home and taking away some of the equity."

Lang: "So, if someone is a home inspector, and they have become a member of the American Society of Home Inspectors, they have to abide by all of this, and if they don't they commit a Class A Misdemeanor for the first offense and Class IV Felony for a subsequent offence. But if I just simply give a \$100 to my next door neighbor to do this for me, and they don't subject themselves to joining this organization and they screw up, they're not responsible?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Biggins: "No, they're not."

Lang: "What is the public policy reason behind that kind of distinction?"

Biggins: "That's what we're trying to correct. By the way it is now, and again, it's a booming brand new industry in the new regulations that have kicked in regarding reporting of asbestos, gas radon, lead paint on the walls of the homes, every home built before 1978 was permitted to have lead paint in the home. Since that time that has not been allowed. But now with the new reporting format that was federally mandated they have to disclose every home that's sold, built before 1978, if they have lead paint in the house. And that becomes a negotiating point downward at the point of sale, point of closing."

Lang: "But could not anyone who wanted to avoid the possible criminal penalties here, simply not join this organization tell the general public they're an expert in this area and proceed to do it whether they have the expertise or not?"

Biggins: "Well, yes they could. They could ignore the legislation. We ignore all kinds of laws. But we are hopefully going to follow the laws of this state as with this individual."

Lang: "But you missed the point. You don't require all people who inspect homes to join this organization. And, therefore, anyone could hold themselves out as an expert to do this work. And if they don't join the organization no matter how negligently they look at your house, no matter how lacking in talent they are, no matter how many mistakes they make, they're not responsible under what you've proposed here. Is that right?"

Biggins: "That's correct. But as Representative Skinner alluded to earlier, we don't really want to regulate this industry

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

maybe yet, maybe some day it will become necessary. We want them to comply voluntarily, because the home inspecting report that a homeowner will use is not going to rely on his next door neighbor for one area and then go to the bank and say, 'here's my home inspection report. Give me my mortgage. My next door neighbor did it, he's not qualified, all he knows is electricity... electrical but, he comments on everything else in the home.' That's not going to work in terms of making the deal close either."

Lang: "But you're only regulating the people who have admittedly joined this organization and will abide by their rules, people who have the expertise, who joined this organization. These are the people you want to regulate. But people that may not have the expertise that may be holding themselves out as experts in this area, who get a fee from the homeowner to do it who don't do a good job, they are not covered. And when I first read this I thought it was your intention, Representative, to include everyone that does home inspection in your Bill. To make sure like the title of your Bill says, 'Home Inspection Fraud Act', that there aren't people holding themselves out as experts in this work, who are not subject to this Act. I would have an easier time supporting your Bill if you either required all people that hold themselves out publicly to be home inspectors to join this organization, or just simply said, everyone as a home inspector is covered by this Act. What you're doing is taking the least expert people and not subjecting them to this Act. And what you're thereby doing is taking the very people you're trying to keep out of your home and saying to them, 'well you can come into my home, but you're not going to be punished if you don't know what the heck you're doing.' Am I making any sense?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Biggins: "Yes, you are, Sir. But this is a Bill that lets the buyer beware. If the buyer wants to buy without inspecting properly, that's up to the buyer. But he has no recourse. With this Bill he'll have a recourse because he can hire somebody, which he's going to hire anyway, 90% of the homes are getting them. And they going to be now required to perform according to the standard of ethics that exists. And that's much better than what we have right now, Sir."

Lang: "Well, all right. I don't agree with you on this, but let me go on to one other area. Why did you choose to make this a criminal offence, as opposed to creating a private cause of action?"

Biggins: "That was suggested to me by the people who gave me the idea for the Bill, Sir."

Lang: "Would it not be better for the homeowner who has aggrieved by this negligent home inspector to be able to sue that negligent home inspector for doing a rotten job? Is the goal to put these people in jail or is the goal to protect the homeowner?"

Biggins: "The goal, first and foremost, is to protect the purchaser and the seller. And a person may still file a litigation, legal action against anybody that does work on their behalf and any other matter. They are free to go beyond the realms of this Bill if they wish."

Lang: "Well, I thank the Sponsor for his answers. Ladies and Gentlemen, I don't want to see home inspectors in anybody's home that don't know what they're doing. I support the concept of doing this. But this Bill, in my view at least, is not properly drafted. It's going to put realtors at risk. It's going to put electricians and plumbers at risk. It's going to put working men and women at risk. But it is not going to go after the people that Representative

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Biggins is interested in. We should want poor home inspectors out of the home, so that we don't get bad reports. So that buyers and sellers of homes are protected. This will not do it. This regulates the people who have the expertise. We want to regulate the people that don't have the expertise, that's first. Second, to make this a crime when a better approach would to make it a private cause of action for a buyer or a seller to go after this negligent home inspector. This was a serious flaw in the Bill. I would recommend 'no' or 'present' votes."

Speaker Brunsvold: "The Gentleman from Cook, Representative Fritchey."

Fritchey: "Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Fritchey: "Representative, I've got a couple questions about the Bill. I'm looking at this on my laptop here. And paragraph... subparagraph (a) requires them to provide services in accordance with the Code and Ethics of the American Society of Home Inspectors. Does not require them to join. But requires them to provide services in accordance with the the Code of Ethics. If they fail to provide services, and I haven't seen the Code of Ethics. But if they fail to provide services in accordance with that Code of Ethics. There's no penalty for that, under this Act. There's no penalty in section 15, for a violation of subparagraph (a) of paragraph 10. Is that correct?"

Biggins: "There's a penalty, Class IV Misdemeanor, or Felony, whatever it states in the Bill. But the penalty is for those that knowingly report falsely on the condition of the home."

Fritchey: "Oh, that's a violation of subparagraph (c). If you

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

knowingly misrepresent a material fact, then that's a potentially criminal violation. If you fail to provide a report, that's a violation of the Act. But there is no penalty provided for a violation of subsection (a). Which is... the gist of this Bill which is to provide services in accordance with the Code of Ethics. If you fail to do that, there's no penalty for that."

Biggins: "Would you just excuse me? Mr. Speaker, if I may. We're just having a little trouble hearing the Gentleman speak across the aisle. I'm just having a little bit of trouble picking it up my... Thank you."

Fritchey: "What I was saying was if you fail to provide services in accordance with the the Code of Ethics, there's no penalty under the Act the way it's drafted right now. And let me go back to something else with respect to the report that's required. The way the Bill reads right now is that if you fail to provide a report as required under subsection (b), then you potentially commit a Criminal Act. Subsection (b) also says that you have to provide a detailed report. It doesn't say that the detailed report has to be in accordance with the Code of Ethics or in accordance with the American Society Standards. Just that you have to provide a detailed report. It could be completely wrong, but as long as you provided a report you've complied with the Act. So on one hand you're going after, you're not going after something that you should be, which is a violation of paragraph (a). And with the violation of paragraph (b), you're not requiring them to provide a truthful... report, but simply any report. I think, I think it's a great idea but I think you have gone a part of the way there. Either require them to be licensed, or leave it alone. What you've done now doesn't

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

really accomplish anything. I guess I'm wondering if I've misinterpreted this. Is there a penalty for failing to comply with the Code of Ethics?"

Speaker Brunsvold: "He's conferring with staff."

Biggins: "Not directly, there is not."

Fritchey: "Okay. So the Bill... the gist of this Bill is you've explained it as to require inspectors to follow these guidelines set by the American Society of Home Inspectors. But if they don't follow the guidelines there's no penalties provided for."

Biggins: "Mr. Speaker, if I could work with the Gentleman from the other side and the other Representative that spoke. I'd like to postpone this matter for now and work with you and get your feelings about it. You've got some very good points."

Fritchey: "I'd very much appreciate that. I think you're doing the right thing. There's just a couple technical errors."

Speaker Brunsvold: "If that's your desire, Representative Biggins. The Bill will be removed from the record."

Biggins: "Just take it out of the record for now."

Speaker Brunsvold: "Take this Bill out of the record, Mr. Clerk. House Bill 824. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 824, a Bill for an Act to amend the Counties Code. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Fulton, Representative Smith."

Smith: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This legislation would help smaller counties in the state maintain a law library. The statute currently allows all counties to maintain a law library. And they can pay for that library by the imposition of a fee on the filing of all Civil Cases. Currently, however, counties with a

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

population less than 250 thousand can only charge \$6 per case to maintain that library. Counties with a population greater than 250 thousand can charge \$10 per case. Obviously, the cost to maintain a library are the same for each county whether they're a population of 250 thousand or more, or if they happen to be less than that. Now this is good legislation to maintain law libraries throughout the state. This Bill would eliminate the population differential. And allow county boards in all counties throughout the state to impose the fee up to \$10. This is permissive legislation that does not impose the fee. That is entirely up to the county boards. I'd be happy to entertain any questions."

Speaker Brunsvold: "Discussion on the issue? The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Black: "Representative, this looks like a good idea to me. I know, I served 10 years on the county board. And the law library was always a problem, monetarily, spacewise, everything else. Just a couple of quick questions. This fee, is it assessed on civil cases only or civil and criminal cases?"

Smith: "It's assessed on civil cases only."

Black: "Okay. So, there's no way anybody can portray this as a fee payable by the residents of a county, unless they are litigants in a court, correct?"

Smith: "That's absolutely correct."

Black: "It sounds like a good idea to me. You're simply eliminating the differential in population, correct?"

Smith: "That's right."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Black: "I commend you, Representative. I know of serving on the county board that law library was always a hassle. I think this is a matter of equity and fairness, with all the counties in the state. I intend to vote 'aye'."

Speaker Brunsvold: "Any further discussion? Seeing none, the Gentleman from Fulton, to close."

Smith: "Thank you, Mr. Speaker. I would just echo Representative Blacks' comments. This is fairness and equity for all counties throughout the state. The costs of maintaining a library are ever increasing. And this will certainly help the medium size and small size counties throughout the state. I'd urge a favorable vote."

Speaker Brunsvold: "The question is, 'Shall House Bill 824 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Has everybody voted? Have all voted who wish? Mr. Clerk, take the record. And on this issue, there are 88 voting 'aye, 26 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed." House Bill 845. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 845, a Bill for an Act to amend the Clerks of Courts Act. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Will, Representative McGuire."

McGuire: "Thank you, Mr. Speaker. House Bill 845, is a merely Bill. It merely reflects a Bill that was passed in this House, in the last two months, to establish a child care center in the court house. We passed that Bill, just in the last 60 days I think, for Lake County and DuPage County. And the Circuit Court Clerk of Will County would like to have the same privilege. So, the Bill merely asks

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

that counties with a certain population can do the same as the larger counties, as I mentioned earlier, Lake and Dupage County. Will is about the fourth largest county in the State of Illinois. And they feel that they need the same type of day care center or child care room as we passed just two months ago. So, I would ask for your favorable vote. And I'll try to answer any questions if you have any. Thank you."

Speaker Brunsvold: "The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. An Inquiry of the Chair."

Speaker Brunsvold: "Yes Sir. State your Inquiry."

Black: "Our staff indicates that there is supposed to be a Floor Amendment added to this Bill and I don't think it has... that has happened. Would you check with the Sponsor?"

Speaker Brunsvold: "We're checking on it now, Representative. Representative McGuire an Amendment has been filed on this Bill? Approved by the Rules Committee."

McGuire: "Okay. I've got a copy of it. It just came out of Rules today, apparently. It just replaces the population figures from 400 thousand to 180 thousand. Because it would reflect other counties less than 400 thousand population. That's the only change in the Amendment."

Black: "What would be your desire to proceed to adopt the Amendment or not to adopt the Amendment?"

McGuire: "Yes, adopt the Amendment."

Speaker Brunsvold: "Representative Black, is that in agreement with you?"

Black: "Well, I think in accordance with the rules you really ought to take the Bill back to Second Reading, and adopt the Amendment. Because without the adoption of the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Amendment, it doesn't apply to Will County and I think that's the thrust of the whole Bill. We're not going to try to kill the Gentleman's Bill but to keep it... to do what he wants to do I think he ought to take it back to Second, adopt the Amendment, and then run it."

Speaker Brunsvold: "If that's okay with you, Representative Black. Mr. Clerk, move the Bill back to Second Reading."

Clerk Rossi: "Floor Amendment #1, offered by Representative McGuire has been approved for consideration."

Speaker Brunsvold: "Representative McGuire, on Amendment #1."

McGuire: "Well, the Amendment merely changes the population figure from 400 thousand which would cover Will County. And I believe that this Amendment was the request of the Circuit Court Clerk of another county, which would be in the 180 thousand class. And that's why the Clerk in Will County asked me to put that Amendment in to include this other county."

Speaker Brunsvold: "Discussion on the Amendment? The Lady from Peoria, Representative Slone."

Slone: "Not on the Amendment, Mr. Speaker but on the previous Bill. House Bill 824, I'm a hyphenated Cosponsor I apologize to the Speaker. I wish to be recorded as voting 'yes' had I been in the Chamber."

Speaker Brunsvold: "It will be so recorded, Representative. Representative Black, on the Amendment."

Black: "Yes, we have no objection to the Gentleman's Amendment. We like Will County. We want to do everything we can to help Will County. If he'd of asked us earlier on in the process we'd have told him what the population of Will County was. But be that as it may, we stand in support of his Amendment."

Speaker Brunsvold: "Any further discussion on the Amendment? If

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

not, all in favor 'aye'; opposed same sign, the 'ayes' have it. And the Amendment has been adopted. Mr. Clerk read the Bill. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. Representative McGuire, on the Bill as Amended. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 845, a Bill for an Act to amend the Clerks of Courts Act. Third Reading of this House Bill."

Speaker Brunsvold: "Representative McGuire, on House Bill 845 as amended."

McGuire: "Same Bill, same reasoning, just with the Amendment. I'd appreciate your consideration."

Speaker Brunsvold: "Any further discussion? Seeing none. The question is, 'Shall House Bill 845 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that issue, there are 114 'ayes', 0 'noes', 0 'presents'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, (sic-House Bill) 862. Please read the Bill."

Clerk Rossi: "House Bill 862, a Bill for an Act to amend the Department of Human Services Act. Third Reading of this House Bill."

Speaker Brunsvold: "The Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you Mr. Speaker, and Ladies and Gentlemen of the House. House Bill 862, passed out unanimously from the Human Services Committee. And what it does, is say that the new Department of Human Services which has over a \$4 billion budget will create within it a Office of Standards and Evaluations to establish guidelines and measures for

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

monitoring the department's functioning and delivery service. In other words, we want to from the very beginning find out whether or not what we want to do is actually being done. The Office of Standards and Evaluations would be responsible for one, establishing outcome measures and performance and productivity standards for service deliveries, support and procedures. It would develop monitoring and quality assurance systems. It would insure that the monitoring referenced above is routinely conducted. It would evaluate programs and services. It would consult with the Inspector General. We would know whether or not the money that we're now spending in the Department of Human Services is being well-spent. It's based on a Florida model, I think it will insure efficiency and good outcomes. And I would urge it's support. I'd be happy to answer any questions."

Speaker Brunsvold: "The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "She indicates she will."

Black: "Representative, only in government can we stand here and say, 'we're going to spend \$4.5 million to make sure the \$900 million we spend is spent efficiently.' Does that make any sense to you?"

Schakowsky: "Mr. Black, I would suggest that if we don't do the things that are required in here, then we're not going to know whether or not the \$4 billion of the Department of Human Services is well-spent. I understand that the department put a Fiscal Note on here. But are they saying that if we don't pass this Bill, that they're not going to monitor and have quality assurance programs? That they're

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

not going to evaluate programs and services? I suspect that that's really possible and that's what I fear."

Black: "Well, Representative, I don't think the department has said they aren't going to do anything. And if the department fails to do what we want, we could address that at some point in the future. I appreciate what you're trying to do. I appreciate, as always, your honest response, your forthright answer. But in all due respect to you, Representative Mr. Speaker, to the Bill. And Ladies and Gentlemen of the House. You know at some point we're all going to have to face the piper. And as Al Capp said in his cartoon strip years ago, 'we have met the enemy and it is us.' The budget goes up. The head count goes up. The number of employees go up. The unfunded liability on pension goes up. We don't have enough money for education. We don't have enough money for this. We don't have enough money for that. So before a department even begins its function before the rules are even in place, we're going to add a bureaucracy, within a bureaucracy, spend \$4.5 million, add 94 employees, to monitor what a department is going to do, before any of us on this Floor probably even know what the department is going to do. At some point when we talk about money and priorities, we're all going to have to look inward and see and say to ourselves, 'we're the ones who appropriate the money. We're the ones who spend the money.' So if we don't have enough for education if we don't have enough for corrections if we don't have enough for all of the priorities we say we want to do I submit to you the reason we don't, is just like this Bill. It's just because of Bills like this, however well-intentioned it is. Four and a half million dollars, not budgeted for. Ninety-four new employees whose pension

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

costs are not budgeted for. Whose salaries are not budgeted for. At some point in the process, let's all look inward and say. Is it necessary? Can we afford it? Do we have the money? Is this the right place to spend it? Or should we look elsewhere? It is for that reason I rise in opposition to the Bill. I have no doubt in my mind this Bill is going to fly out of here. But at some point we're all going to revisit the fact that we as a General Assembly, appropriate and spend the money. It isn't somebody else. It isn't they. It isn't them. It's us. I intend to vote 'no'."

Speaker Brunsvold: "The Lady from Cook, Representative Ronen."

Ronen: "Thank you, Speaker. I rise in strong support of this Bill. I think for all the reasons that Representative Black was stating, we need to do this. When we're talking about spending public dollars, we have a right and responsibility, great responsibility, to make sure that those dollars are spent in an effective and efficient way. To often we fund programs and budget for items that we have, absolutely, no idea how those monies are being spent. Or if they are being spent well. We're talking now about creating a new super agency and folding lots of different existing agencies underneath it. We're talking about contracting more services out to different agencies. Yet, we haven't implemented the kind of systems and procedures that we need to know that those monies are being well-spent. We're talking about spending precious tax dollars. We owe it to the taxpayers of Illinois, to tell them that their tax moneys are being spent in the proper way. So, I wholeheartedly support this Bill and hope all my colleagues will join me in this effort."

Speaker Brunsvold: "Any further discussion? Seeing none, the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Lady from Cook, to close. Representative Schakowsky."

Schakowsky: "Yesterday we passed a Bill that would allow for performance-based budgeting. But how are we going to do performance-based budgeting, if we don't know what the performance has been? All this Bill does is says, say that the Department of Human Services should look at all the programs and see if they are effective. They say, that in order to do that, they're going to have to hire all these new people. I say, they should be doing this already. This is going to be money well-spent. We have a new agency, \$4 billion. Let's figure out if we're doing it right. Vote 'aye', please."

Speaker Brunsvold: "The question is, 'Should House Bill 862 pass?' And on that, and on that those in favor vote 'aye'; those opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question, House Bill 862 received 44 'yeses', 72 'noes', 1 'present'. And this vote... this Bill, not receiving... having failed to receive the Constitutional Majority, is hereby declared lost. (sic-House Bill) 883. House Bill 883, Mr. Clerk. Please read the Bill."

Clerk Rossi: "House Bill 883, a Bill for an act amending the Property Tax Code. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Cook, Mr. Kubik. Is Mr. Kubik in the Chamber? The Gentleman from Cook, Representative Kubik, on House Bill 883."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 883, would affect Cook County only. It would be... it would raise the fee paid to the Cook County collector for the purchase of property at a tax sale in

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Cook County. Mr. Speaker, could we take this out of the record, please? And move to the next Bill."

Speaker Brunsvold: "Yes sir, Representative. Mr. Clerk, please remove this Bill. Take this Bill from the record. House Bill 884."

Clerk Rossi: "House Bill 884, a Bill for an Act amending Property Tax Code. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Cook, Representative Kubik."

Kubik: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. House Bill 884 would allow property to be sold, 60 days after a judgement against property owners has not been satisfied. To explain why we are doing this, under current law if a property owner protests an assessment and loses a judgement in court and then, fully pays the taxes in subsequent years but fails to pay the judgement, there's no way to force forfeiture of the property. So in other words, it stays in the system for years and years. What this Bill was designed to do, is to put a time limit to allow for forfeiture of the property in this situation. There will be no Fiscal Impact to the State of Illinois. And I'd be happy to happy to respond to questions and would appreciate your support of House Bill 884."

Speaker Brunsvold: "Is there any discussion? Seeing none the question is, 'Shall House Bill 884 pass?' All those in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that issue there are 116 'ayes', 0 voting 'no', 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 887. Read the Bill, Mr. Clerk."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Clerk Rossi: "House Bill 887, a Bill for an Act to amend the Solicitation for Charity Act. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Champaign, Representative Winkel."

Winkel: "Thank you, Mr. Speaker. This Bill would amend the Solicitation for Charity Act. Are we on? Okay. This Bill is a suggestion by a constituent. It amends the Solicitation for Charity Act. What it would do is exempt volunteer organizations that provide fire, ambulance and rescue services if solicited contributions are raised, solely within the community or district served by the organization. It does not exempt the soliciting agent. What it does is exempt the volunteer organizations who would be otherwise or are being otherwise, unduly burdened by the documents that they have to submit each year to the Attorney General's Office. And I'd be glad to answer any questions."

Speaker Brunsvold: "Any discussion on the issue? Seeing none. The question is 'Shall House Bill 887 pass?' All those in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 115 'ayes', 0 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed." House Bill 907. Read the Bill, Mr. Clerk."

Clerk Rossi: "(sic-House Bill) 907."

Speaker Brunsvold: " (sic-House Bill) 907."

Clerk Rossi: "House Bill 907, a Bill for an Act concerning state revenue stabilization. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Cook, Representative

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Schoenberg."

Schoenberg: "Mr. Speaker, could you take this out of the record momentarily?"

Speaker Brunsvold: "Okay. The Gentleman wishes the Bill out of the record. Mr. Clerk, House Bill 977."

Clerk Rossi: "House Bill 977, a Bill for an Act to amend the Juvenile Court Act of 1987. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Cook, Representative Acevedo."

Acevedo: "Mr. Speaker, Members of the committee. House Bill 977 amends the Juvenile Court Act of 1987, to release confidential juvenile court and law enforcement records to evaluate the character and fitness of advocates for the law enforcement and correctional institution. This Bill would allow the departments to conduct more thorough background checks and screening potential employees. This Bill would also help identify applicants with habitual offenders as juveniles. I ask for your support in passing House Bill 977."

Speaker Brunsvold: "And on that issue the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Black: "Representative, what's the intent of your legislation? What are you trying to do here? Are you trying to open up juvenile records?"

Acevedo: "Exactly."

Black: "All right now, who... who would be able to access juvenile records that today are sealed? I mean... and forgive me, I... I'll be honest with you, I have not read

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

the Bill. So you're going to have to walk me through this. Is there any limitations in your Bill as to who can get these records?"

Acevedo: "The only one who would be able to open up the juvenile records are law enforcement agencies, who the applicant is applying for."

Black: "All right so, only a law enforcement agency would have access to the juvenile records, under your Bill?"

Acevedo: "That's correct."

Black: "And for what purpose could they get into them?"

Acevedo: "To look for a juvenile habitual records, offenders, I'm sorry."

Black: "So, to be used... now I'm confused. To be used in the case of of a trial, or an arrest coming up, where that it is now an adult and want to know what his history was."

Acevedo: "No, this is just to look for his history and his character and to see if he's fit to become a Chicago police officer, any kind of law enforcement agency."

Black: "Okay. So, basically then, this would be used as a background check."

Acevedo: "Exactly."

Black: "What about the case of a criminal investigation where a juvenile, the police officer suspects that the juvenile, has had a relatively long history of problems, wants to get into that for court services and say look this guy shouldn't be a probationer anymore, this record goes back to when he was eight-years old. Would it be able to be used by the prosecution?"

Acevedo: "This doesn't actually exclude the applicant. All we're trying to do is look out to his background investigation as a juvenile. Before you reach... According, according to what I think is that... before he reaches the age of 18,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

his record could be expunged."

Black: "Okay. So, this is a rather limited accessibility to the juvenile's records."

Acevedo: "Yes."

Black: "And just because a Civil Service Commission could have access. I assume they would not then have any right or authority to release those records to anyone else?"

Acevedo: "No one else... wouldn't be released to nobody else."

Black: "Well, I'm one of the few in this House, Representative, that thinks you're on the right track. I think the Juvenile Court Act, probably, needs to be revised if not completely rewritten. But I, I think you're on the right track. And I can't see where this would be detrimental to a juvenile who's enjoyed, in fact, many of these are hardened criminals and they enjoy a measure of protection that I'm not sure we can afford in this day and age. So I commend you for this start and maybe as the Session goes on we can even do a little bit more in this area. So thank you for your answers, Representative."

Speaker Brunsvold: "The Gentleman from Cook, Representative Morrow."

Morrow: "Yes... Thank you, Mr. Speaker, Ladies and Gentleman of the House. I have to reluctantly arise to oppose House Bill 977. Many of you, the Members of the General Assembly, were not Members of this Body back when the heinous crime was committed, in... not Waukegan, but in Winnetka on the Lorie Danz situation, where a crazed person walked into a school and opened up fire on some young people. And because that he had some problems in his past, as a youth, there was a incorrect comment made by the Sponsor of the Bill, that says that juveniles are able expunge criminal records. They're not. We passed a Bill, in haste, back then that

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

has come back to haunt many young people in our districts. Many of us here today as adults, being leaders in our communities, would not be leaders if we were held accountable for things that we did as young people. Now some of these juveniles, did wrong. But if they serve the time for the crime should it be held against them as adults? And that's what we're aiming at right now. We're... We've passed a law that says, that for certain criminal offences, you can't be a bus driver. We've passed a law that says, for certain criminal offences, you can't work in a nursing home. We've passed laws they say for certain criminal offenses, you're not employable anywhere. So, now we're saying you can't get on welfare. And you can't be employed. What can you do? Be a criminal. That's all you can be. And I think we need to stop this. The language in this Bill says, 'law enforcement can look at these records.' What's to say next year, what's to say next year that someone else says, 'we ought to have a look at these records before we hire these people to work for us'. There comes a time when we've got say, 'yes you've made mistakes in life, but if you've changed your life around if you've abided by society's laws and society's rules you ought to be given a second chance'. Many of us here wouldn't be here if we had not been given a second chance. I urge red votes on House Bill 977. Let's give our kids a chance."

Speaker Brunsvold: "Any further discussion? Seeing none, seeing none. Mr. Acevedo, to close."

Acevedo: "Mr. Representative, with all due respect this has nothing to do with petty crimes that they committed as juveniles. These are major crimes I'm talking about, such as murder, second degree murder. These are serious offences

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

that should be taken into consideration. And I ask for your support."

Speaker Brunsvold: "And on that question, 'Shall House Bill 977 pass.' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that issue, on the question, there are 101 'ayes', 6 'noes' 9 'presents'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 907. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 907, a Bill for an Act concerning state revenue stabilization. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Cook, Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 907 is a measure which passed from committee without any opposition. It's a long overdue fiscal reform that we're now better positioned than ever to enact. It's the Comptrollers initiative, the Rainy Day Education First Act. This is a very common-sensical approach. It calls for the state to set up a Rainy Day Fund and the name works exactly as, and the fund works exactly as the name would apply. In those times when we have a solid revenue growth that we do set aside a portion each year for a fund that the state could tap if necessary, when the economy does indeed slow. More specifically, for this version of the Bill, in the situation where the Governor's budget would show a growth in GRF of more than 4% from the previous year, then one quarter of the amount above 4% would be deposited into this fund. Once this Rainy Day Fund would hit \$350 million, additional payments would go towards financing public education. I want to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

point out two other facts. One is that there are 46 other states which have versions of Rainy Day Funds. Some of them, frankly, aren't as good as this proposal that the Comptroller has come forward with. The other thing that I wish to point out is that in Moody's most recent upgrading, of the state's bond rating, they did reference our need to further strengthen our financial position, by establishing a Rainy Day Fund. I think that we are on the path moving forward to greater fiscal responsibility. And this bipartisan measure I hope will get your support. And I'm happy to answer any questions."

Speaker Brunsvold: "And on that question, the Gentleman from Livingston, Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Rutherford: "Representative Schoenberg, I concur with this piece of legislation. I think it's important to understand a couple things if you could clarify for us. I... You may of said the total dollar amount but what do you see the Rainy Day Fund dollar amount to finally be?"

Schoenberg: "The question was, what do I see the Rainy Day...?"

Rutherford: "At what point does the threshold go before it's triggered to have a excess? The dollar amount?"

Schoenberg: "The... It's \$350 million or 2% of the total General Revenue Funds for that year. Anything above that threshold would go into the Education Assistance Fund."

Rutherford: "Approximately... ."

Schoenberg: "And I might add, and I might add, with no offsetting reduction in funding from any funding source. You know that many of us have heard, repeatedly, the question of what has happened with the lottery money. That phenomenon would not occur under this Bill if it would, indeed, become

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

law."

Rutherford: "Approximately how long do you think it would take, under the current revenue stream and the cycle that we have going, to be able to reach that maximum amount as to which then there would be a threshold to be over?"

Schoenberg: "At the current rates of growth it would take approximately nine years to hit that threshold. Now, obviously, the rate of growth is going to be variable. Sometimes it's going to be quicker. Sometimes it's going to be slow. But if anything, the timing is ripe to adopt this measure, given that we are in a position where the state's revenue growth is relatively strong."

Rutherford: "Terrific. Representative, I commend you and Comptroller Didrickson on this initiative and stand in support of the legislation."

Schoenberg: "Thank you."

Speaker Brunsvold: "The Gentleman from Cook, Representative Lang."

Lang: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I rise in extremely reluctant opposition to House Bill 907. I think we need a Rainy Day Fund. You think we need a Rainy Day Fund. But let's take a look at what this Bill does. What this Bill does is put in control of the Governor and the Comptroller and the Treasurer up to \$350 million for them to spend in any way they choose. We are here as a General Assembly to appropriate funds for expenditure. We should appropriate funds out of this General Assembly. Now we need the Rainy Day Fund. But I had suggested to the Comptroller's Office who drafted this Bill an Amendment that said, have your Rainy Day Fund but before you spend that \$350 million, come back to the General Assembly and get approval for how you want to spend

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

that money. Why should we abrogate our duties, our responsibility to budget, to appropriate and to spend money? Why would we turn that over to the executive branch? The executive branch is not there to appropriate money. Our job is to appropriate money. So, Ladies and Gentlemen, this is a Bill that should go back to the drawing board. It's a Bill that... where we should say to those who have written it, we're for this fund. But we don't think Constitutional Officers should be empowered to appropriate money or to determine how it should be expended. That is the province of the Illinois General Assembly. Do not voluntarily give up your right to determine how the state spends its money. Tell the Comptroller and the Treasurer and the Governor, we agree with you that we need a Rainy Day Fund, but after you figure out where you want to spend these funds, come back to us. Either give us the money to reappropriate for you or at least come to us with a document, in the form of a resolution, so that we can pass a plan on their behalf. It is not up to the Governor or the Comptroller or the Treasurer to do our job for us. We appropriate money. We spend the money. And we should not give this right up to any Executive Officer. This is our province. I would suggest 'no' or 'present' votes until this Bill is fixed up."

Speaker Brunsvold: "Representative Black."

Black: "Thank you very much, Mr. Speaker. Will the sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Schoenberg: "Actually, actually, before I yield my time to Mr. Black, I'd like to rebut my last point."

Black: "No, No, No, No,... No, No, Oh no."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Speaker Brunsvold: "Mr. Schoenberg, you may do that in your closing remarks."

Schoenberg: "Very well, Mr. Black."

Speaker Brunsvold: "Now, Mr. Black."

Black: "Thank you very much, Mr. Speaker. Representative Schoenberg, the previous speaker had a... I think a very valid and interesting point. If you'll look at the Bill, with me, at the bottom of page 2, line 32, Section 15, 'use of fund', and then go over to page 3, down through line 5. I was thinking that that addresses the concerns raised by the previous speaker. That the money in said fund would go back to the General Revenue Fund, or General Funds as your Bill states. And then I thought it was in law that only then, by action of the General Assembly, could such monies be spent. Am I not correct?"

Schoenberg: "Mr. Black, I'd like to... You are correct? And I'd like to elaborate on that point further. That if you turn to the... to Section 5 of the Bill, that it points out, specifically, that this is designed to make resources available to meet obligations whenever there are casual deficits or failures in revenues which occur. So this is specifically earmarked towards said shortfalls."

Black: "I'm sorry, Representative, I didn't hear the last sentence or two. It's specifically earmarked to..."

Schoenberg: "It's specifically earmarked to deficits or any shortfalls."

Black: "Well, I think the previous Speaker's point would be well taken, if that section means that the Executive Branch or the office of the Comptroller or whoever could simply apply those funds to whatever casual deficits or failures of revenue might occur. If that's a unilateral action, and not in fact, as in Section 15 of the 'use of the fund,' if that

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

is a unilateral action, by an Executive Officeholder without the advice and consent of the General Assembly, then I would have some concerns about that. But I... When I first read this, I just assumed that it goes into the General Revenue Fund, and therefore could not be expended without an action by the General Assembly. I thought the Constitution specifically prohibited a unilateral expenditure of General Revenue Funds by an Executive Officer. I mean it's..."

Schoenberg: "Now, Mr. Black, you're absolutely correct in what you're saying. And that is what I was going to say in my rebuttal to the previous speaker."

Black: "In other words, the previous speaker however well-intentioned, you would portray this Bill as having adequate safeguards, that the General Assembly must appropriate or approve, and or approve, any expenditure from this Rainy Day Fund."

Schoenberg: "Absolutely. And as you're aware, Mr. Black, through our public discussion on other issues, you know of my strong opposition to the unilateral decision to make spending, the unilateral exercise, the power to make spending decisions."

Black: "Absolutely. Absolutely. And that's why I was piqued by the previous discussion, knowing your opposition to various creative ways of spending money. I did not think you would be sponsoring a Bill to give more creativity to the executive branch to spend money without the oversight of the General Assembly. So, the only point that I want to make sure that I'm certain about and it's your intent. This does not allow, in your opinion, the unilateral expenditure of this fund by any Executive Officeholder in the State of Illinois."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Schoenberg: "You're absolutely correct in that evaluation."

Black: "Thank you very much."

Speaker Brunsvold: "Any further discussion? Seeing none. The Gentleman from Cook to close, Representative Schoenberg."

Schoenberg: "Thank you, as I indicated before, 46 other states have this mechanism. Moody's has indicated that it will further strengthen our position, our financial position and I'd urge your adoption."

Speaker Brunsvold: "The question is, 'Shall House Bill 907 pass?' All in favor vote 'aye'; all opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 103 'ayes', 5 'noes', 6 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1035. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1035, a Bill for an Act amending the Trust and Trustees Act. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Lake, Representative Beaubien."

Beaubien: "Thank you. This is an update of the Trust and Trustees Act, necessitated by a change in the Federal Law. It's sponsored by the Corporate Fiduciaries Association and supported by the Illinois Bankers Association. What it does is allow the State of Illinois to parallel existing laws in New York and Delaware and possibly by this point also California. In October of 1996, Congress enacted into law the National Securities Markets Improvement Act of 1996. This included the addition of investment funds exempt from the registration under the Investment Company Act of 1940. This fund is referred... is only available to investors who are qualified as defined under the S.E.C.,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

which is typically investors with discretionary trusts in excess of \$25 million. So, obviously, it has a very limited application. And the purpose of the Act is to allow us to be competitive with the State of New York and Delaware, which have brought their State Laws up to be consistent with the Federal Laws. And I urge that you pass this particular Act."

Speaker Brunsvold: "Thank you, Representative. Is this your first Bill?"

Beaubien: "Unfortunately it is. So, have at it. Are there 60 people in the room?"

Speaker Brunsvold: "The Lady from McHenry, Representative Hughes."

Hughes: "Thank you, Mr. Speaker. I just on the last Bill, had I gotten to my button, would the record please show that I would of voted 'yes' on House Bill 907?"

Speaker Brunsvold: "It will so be noted, Representative. Are there any questions? Any discussion on this Gentleman's first Bill? I think everyone's tired. And on that... Representative Lang, the Gentleman from Cook."

Lang: "Will the Sponsor yield?"

Speaker Brunsvold: "Yes. He indicates he will."

Lang: "Did I understand the Speaker to say Mr. Beaubien, that this is your first Bill?"

Beaubien: "Yes, it is."

Lang: "It didn't take you long to have your first Bill on the Floor. We heard from others today, it took them years. Do you have some special talent that they don't have, Sir?"

Beaubien: "Not that I'm aware of."

Lang: "Well, a good answer, ...sort of took me aback with that answer. So, I know this will make Representative Scott laugh, because when I ask these kinds of questions, he

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

always laughs. What the heck does this Bill do, Sir?"

Beaubien: "It enables our fiduciaries in the State of Illinois to be competitive with the States of Delaware and New York, to be consistent with the Federal Act passed in 1996."

Lang: "Okay. So, what's a fiduciary?"

Beaubien: "A fiduciary is an individual who holds assets on behalf of another individual who is responsible for them."

Lang: "A person who holds assets on behalf of another person. So if you came over here and handed me your tie clip, while you went to talk to a lobbyist at the rail, I would be a fiduciary?"

Beaubien: "You can say that, yes."

Lang: "Representative Scott said, 'I thought you were a Democrat'. So, that would make me fiduciary? And does this Bill confer any rights upon me or any responsibilities upon me, for holding your tie clip for you?"

Beaubien: "This Bill will only affect you in the event that my tie clasp was worth more than \$25 million."

Lang: "Well, I can guarantee you if it was worth that much, you'd need somebody to chase this fiduciary down the stairs. I can promise you that. So, if it was worth \$25 million and I became a fiduciary, what then would my responsibilities be?"

Beaubien: "To manage that asset to the benefit of the beneficiary."

Lang: "Well, in what way? Give me some examples."

Beaubien: "In the case of the tie clasp, I can't give any examples."

Lang: "Well, give me an example, if you handed me the 25 million in cash that you got from that guy at the rail. If you ask me to hold that for you, what would my duties be?"

Beaubien: "I would ask you to invest it prudently, to get a

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

return on my assets."

Lang: "Isn't that the law today? Why do we need the... "

Beaubien: "Yes it is, but we're governed by the Investment Company Act of 1940, which limits you into certain types of assets. The current Act of 1996, which is a National Security Markets Improvement Act of 1996, rounds out that authority and lets you invest in some more broad range of assets that previously had not been allowed."

Lang: "So the National Securities Market Improvement Act of 1996, was an Act passed by the Federal Government?"

Beaubien: "That's correct."

Lang: "And did that confer a responsibility upon us to make this change in our law?"

Beaubien: "No, it does not. It gives you option of changing it. The reason we're making the request on behalf of the corporate fiduciaries of Illinois, is that they want to be able to be competitive with other states that have passed the law and allow them to be consistent with the new Federal Statute."

Lang: "Do you know if the Congressional Bill started in the House or in the Senate?"

Beaubien: "I have no idea."

Lang: "So you wouldn't know who the Sponsor is?"

Beaubien: "No, I don't."

Lang: "Well, some of us on this side of the aisle would be concerned because, if it was Speaker Gingrich, we might not want to help you with this. But you wouldn't know that one way or the other, would you?"

Beaubien: "No, I believe it was, probably both sides of the aisle, probably, was a consensus Bill."

Lang: "Do you know if Speaker Gingrich was a Cosponsor in any way? Was he in the Chair when the Bill passed?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Beaubien: "I have no idea."

Lang: "Well, lucky for you, because if he was we wouldn't be able to help you with this. Thank you."

Beaubien: "Thank you."

Speaker Brunsvold: "The Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Mulligan: "Representative Beaubien, you say this is your first Bill and I see Mr. Strause, that wonderful staff person, standing right behind you. But you're not asking him any questions. You're actually answering the questions that Representative Lang gave you without using staff. Haven't you heard of full employment for staff? What's wrong with you?"

Beaubien: "I didn't know he was back there."

Mulligan: "Well I find Mr. Strause to always be very helpful, but he is a less intrusive staff person. But I just think there is something wrong with you, as a new Representative, that you're standing there actually answering these questions on your own. This is a real problem. Why are you doing this? Do you have some kind of good background that allows you to know about all of these things, that actually do good things for the people of Illinois?"

Beaubien: "I'm going to do my best."

Mulligan: "Well, I really do want to urge you to use staff, because we think it's really important that the staff on our side of the aisle gets the proper recognition. And I think this is really wonderful on your first Bill. But please don't neglect the feed and care of staff."

Beaubien: "I will not neglect the staff, although I have the feeling that Frank's been fully employed for the last few months when I've been observing him."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Mulligan: "Okay. I really appreciate that."

Speaker Brunsvold: "Representative Lang, for what reason do you rise?"

Lang: "Well, thank you, Mr. Speaker. Of course, my name was used in debate and this would give me the opportunity to ask another hours worth of questions, but I won't. I just simply want to thank the Representative, not only for working without staff, you may be the only person on that side of the aisle who's done that in recent memory. I said may be, don't get testy. In addition, I would like to thank the Representative for actually answering the questions. And if you had been here two years ago, when we passed House Bill 20, the Tort Reform Bill, we might know what was in that Bill today."

Speaker Brunsvold: "The Gentleman from McLean, Representative Brady."

Brady: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Brady: "Representative, this issue of you being pretty thorough on this Bill scares me. Is there any reason you'd have a conflict of interest?"

Beaubien: "No, I do not have a conflict of interest. There may be someone in the Senate that does, but not me."

Brady: "You don't have anything to do with trusts."

Beaubien: "No. Well, yes I do have something to do with trusts."

Brady: "Did you ever write a fiduciary?"

Beaubien: "Yes, I have."

Brady: "Hmm..."

Beaubien: "I have not been managing trusts of anywhere near that size."

Brady: "Have you been a good fiduciary?"

Beaubien: "I believe so."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Brady: "How good?"

Beaubien: "About a 17%, per year return. But that position, the individual died last year."

Brady: "Seventeen, per year return?"

Beaubien: "Yes."

Brady: "Is the treasurer here?"

Beaubien: "I don't... treasurer, Representative."

Brady: "No further questions."

Speaker Brunsvold: "The Gentleman from Effingham, Representative Hartke."

Hartke: "Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Hartke: "Yes, did I just hear you say that you're a banker?"

Beaubien: "No, I'm not. I was a banker."

Hartke: "Oh, you was a banker. Would this be a conflict of interest?"

Beaubien: "No, it's not. This is a tough issue."

Hartke: "Are you sure?"

Beaubien: "Yes, I'm sure."

Hartke: "Are you familiar with the election laws? We're not allowed to accept campaign contributions? And here, I hear, you picked up \$25 million at the rail?"

Beaubien: "No, I did not."

Hartke: "I think that was indicated. Who did you pick it up from? That's what I want to know."

Beaubien: "I didn't pick it up and if I knew I wouldn't be here either."

Hartke: "Yeah right. My advice would be, don't give it to Lang either. Thank you."

Beaubien: "Thank you."

Speaker Brunsvold: "The Gentleman from Lake, Representative Beaubien, to close."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Beaubien: "Yes, thank you very much. I'd urge my colleagues to pass this Bill. To be consistent with the current Federal Law. And have our fiduciaries in this state be competitive with other states. Thank you."

Speaker Brunsvold: "The question is, 'Shall House Bill 1035 pass?' All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question, there are 116 'ayes', 0 'noes', 1 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1048. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1048, a Bill for an Act amending the Property Tax Code. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from DuPage, Representative Johnson."

Johnson, Tom: "Mr. Speaker, Members of the House. This Bill affects a small community in my district, the Village of Wayne. In that village, most of the roadways are private roadways. Maybe five, six homes on a roadway and these are private roadways. What has occurred here is that the individual owners along a roadway, basically, contract for services as it relates to the maintenance of their roads. What they are seeking here is that if 51% or more of the residents along a given roadway petition the Village Clerk to set up a special service district. A special service district, for that particular private road, can be set up for purposes of maintenance of the road through the village. It would be the village at that point would do the maintenance. And I'm asking for an 'aye' vote on this, it's very important to my community. This only affects communities where in excess of 30% of the road mileage,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

within any community, is privately owned. So I would request an 'aye' vote. Be happy to answer any questions."

Speaker Brunsvold: "The Gentleman from Washington, Representative Deering."

Deering: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he'll yield."

Deering: "Representative, is there... would this be a referendum type process?"

Johnson, Tom: "No, not a referendum per se, Terry. What this is, is if there are more than 51% of the property owners, in essence that's what it would take to pass a referendum. If 51% or more petition the Clerk at the village, to set up this special service district as it relates to that individual road, they can do so. Again there's usually five or six homes along any one of these private roadways. And to go to the expense of an actual referendum makes little sense, the village itself wants this, it's residents want this. And so, therefore, the next best thing was to achieve at least that 51% requirement on a petition."

Deering: "So there would be an opportunity, for anyone opposed, to appear before the board and voice their opposition?"

Johnson, Tom: "Absolutely. And this is a community, I might add, of about... I think at last count, four or five hundred people. It's a very small community in my district. A very tight knit community."

Deering: "Is there a... Does this give the special service area, does it allow for the local board, whether it's the county board, or municipality, or the city board, does it give them the opportunity to levy a tax?"

Johnson, Tom: "By way of setting up the special service district, obviously, whatever the cost is for the maintenance would be passed on to the residents in that special service

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

district, as a tax. That's correct. Relators have signed off on this, by the way."

Deering: "Is there a limit, or a ceiling, as to what that tax can be? Or how much money of the... the levy could raise?"

Johnson, Tom: "No there is really not a limit. There might be a number of these service areas involved here. It would depend on the cost of maintaining that particular road, that services those five or six homes."

Deering: "How will this affect counties that have property tax caps?"

Johnson, Tom: "It wouldn't affect them."

Deering: "So, technically, this can be over and above what is capped by current law, is that correct?"

Johnson, Tom: "Upon request of the residents to assess this, yes that's correct."

Deering: "Thank you."

Speaker Brunsvold: "The Gentleman from Livingston, Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he'll yield."

Rutherford: "Thank you. Representative, would you give us further background on the genesis to this? What actually precipitated this piece of legislation to come forward?"

Johnson, Tom: "Well, again this town of mine, the Village of Wayne, as I stated, has a number, in fact most of the town is private roads. These are a lot of horse type people with their, their, you know, \$50 thousand estates or \$40 thousand estates along these roads. And what it is now is all the homeowners on a given roadway usually get together, they band together, go into a contract for snow plowing, go into another contract to put gravel on the roads and whatever. And so, what they're saying is that instead of

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

always trying to get the parties together to agree on all of these individual contracts, the residents would prefer to petition the village for them to be able to go in and do this on their behalf."

Rutherford: "Could you give an estimate on the number of communities in Illinois that could potentially be under this category?"

Johnson, Tom: "You know, my really, I really can't. My understanding, from what I've been told, we thought we had drafted this though pretty much, it's my community. Now there might be other downstate communities, I don't know. But this is really a request of just the Village of Wayne, and we've tried to carve that out for them."

Rutherford: "And would this, this would necessitate this being within a incorporated area?"

Johnson, Tom: "Yeah."

Rutherford: "Could this also have application to an unincorporated area?"

Johnson, Tom: "I don't believe so, this applies only to municipalities. Is that correct? Just the municipalities, incorporated municipalities. From what I understand. It's mileage within the corporate limits."

Rutherford: "Mileage within a corporate limits, so obviously, that. Okay. What about a... is there any estimate on the financial impact this would have on the community? Dollar impact?"

Johnson, Tom: "Should have no impact financially, in terms of the corporate budgets. Or the community itself, it should have none. Because it would be paid by the owners of these individuals, who are petitioning to have them do it. So, cost would be covered by those owners."

Rutherford: "Okay."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Speaker Brunsvold: "Are you finished, Representative? The Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you. Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Hartke: "Representative Johnson, I think I know where you're trying to come from. I have some questions though. This will be several, I guess, individual groups on a private roads that may do this, some may not do this in a community. Let's say you had, 15 private roads in an area, seven or eight maybe wanted to do this, capped the 51% and then, then contracted with the municipality to do the maintenance on that road. Who would make the determination on what services that each private road wanted, on their road? For example, maybe one of these private roads were just a gravel road. The next two private roads may be a chip and oil. The third may be a, on the right side of the tracks and be asphalt, 16 maybe 18 foot wide pavement. One of them may require salt to put in, snow removal. Who determines what level of maintenance is going to be on each of these roads? What about reconstruction and maintenance of those roads, should a gravel road be wanted to be upgraded? Who would bear that cost and how would that be billed to these individual private road areas?"

Johnson, Tom: "As I understand it on what the mechanics would be in Wayne, as they have expressed it to me, is that it would be for the maintenance of existing road. In other words, we have gravel roads now, they want to keep them gravel. So it would be the maintenance of that, and the plowing of that. It would not be an upgrade. If, in fact, the residents want to upgrade it that would be so done in their petition themselves and that would bid out."

Hartke: "Okay. The liability then would remain with the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

municipality for the maintenance of that road?"

Johnson, Tom: "That's right. If, in fact, that were... ."

Hartke: "Okay. So you get a two-inch snow fall, or maybe a six-inch snow fall, loose snow and the snowplow goes through and blades all the gravel off into the ditch..."

Johnson, Tom: "You're going to be out raking. They do that at my house and I have a special service district."

Hartke: "I can see some problems with irate neighbors here if there were five on the road and three wanted the maintenance, two did not and they all paid for the upkeep of that road to a certain point then hired the city to do it. City came along went into the subdivision turned around the cul-de-sac and just plowed all the rock off into the ditch. Those four or two that did not vote for it are going to be pretty aggravated if they get charged for more rock again the following year. And they could turn around and sue the city then for ruining their road."

Johnson, Tom: "There's a lot of what ifs, and I agree, it might alienate some people it might not. Again, I can only speak on behalf of my Village of Wayne, there. That, that's not the type of village it is. It's very small, very compact. The disagreements don't run very deep for very long there. They're all stuck in there very close together."

Hartke: "I'm great you have confidence in your, your small community, that you're trying to help out there. Let's hope it works."

Speaker Brunsvold: "The Gentleman from Cook, Representative Lang."

Lang: "Thank you. Will the Sponsor yield?"

Speaker Brunsvold: "He indicates he will."

Lang: "Tom, I know you're going to find this hard to believe, I only have one question."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Johnson, Tom: "I will support your Bill, Lou."

Lang: "Thank you, I'll remember that. The realtors had a problem with your original Bill. Your Amendment resolved their problem?"

Johnson, Tom: "That's right."

Lang: "They're perfectly fine with it now."

Johnson, Tom: "They have signed off, completely."

Lang: "Wonderful Bill."

Speaker Brunsvold: "The Gentleman from DuPage, to close. Representative Johnson."

Johnson, Tom: "Just ask for an 'aye' vote."

Speaker Brunsvold: "The question is, 'Shall House Bill 1048 pass?' On that question, all those vote 'aye; and the 'nays' vote 'no'. And the voting is open. Have all those voted who wish? Have all those voted who wish? Have all those voted that wish? Take the record, Mr. Clerk. And on that question, there are 111 'ayes', 6 'noes', 0 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 883. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 883, a Bill for an Act to amend the Property Tax Code. Third Reading of this House Bill."

Speaker Brunsvold: "The Gentleman from Cook, Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 883 is a Bill which raises the fees paid to the Cook County Collector for the purchase of property at a tax sale in Cook County. It sets the fee amounts for installment payments of subsequence taxes. As I said earlier what is, the reason we're doing this is there is a redemption fund, Cook County Redemption Fund which is used for the cost of administering the sale of property, due to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

delinquent tax payments. And that particular fund is very, very, low. The fees that would be raised would go into this fund. The increases, the increases would be as follows: they would be \$100 for property improved with a structure consisting of one or two six-dwelling units, \$150 for other property. These fees will be paid by the people who purchase the taxes to get the property. I'd be happy to respond to questions to. And would appreciate your support of this Bill."

Speaker Madigan: "Speaker Madigan in the Chair. The Gentleman moves for the passage of the Bill. There being no discussion. The question is, ' Shall the Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 88 'ayes', 28 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1101. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1101, a Bill for an Act amending the State Employee Indemnification Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Clerk, who was the Sponsor?"

Clerk Rossi: "Representative Scott."

Speaker Madigan: "Mr. Scott."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1101 corrects an infrequent, but nevertheless, damaging problem for our employees when it occurs. Right now it allows, it allows right now, would allow the Attorney General not to represent some of our employees in certain cases. That becomes unfair in certain limited instances where their conduct is found to have done

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

nothing wrong. However, once the Attorney General has cut these employees loose there isn't anyway to then reimburse them for the expenses of going through a civil hearing. There are only three cases that we know of where this has happened. All cases involving corrections officers at Pontiac who were, subsequently found not to have done anything wrong, but nonetheless, because the original decision was made by the Attorney General, incurred substantial civil costs themselves. We think it corrects a problem and really protects our employees when they've been found to do nothing wrong. And I would ask for an 'aye' vote."

Speaker Madigan: "The Gentleman has moved for the passage of the Bill. The Chair recognizes Mr. Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Black: "Representative, you might have a, you might want your staff and ours to get together. Our staff thinks that there's a significant drafting error in the Bill on page 3, line 32. I think the word 'intentional' is misspelled. You may want to get that corrected, before you move it. I'll leave that up to you. Sometimes it makes the Bill flawed, as it goes over."

Scott: "I think that's something that's so minor, I think it would be easy to fix in the Senate, Representative."

Black: "Well, you're assuming the Senate knows the correct spelling. I, you know, we know the correct spelling in the House. I don't want to give the Senate credit for being able to catch that error."

Scott: "I'd maybe give them credit for that. If they're in Session long enough to do it. If the other side would

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

agree, perhaps we could since we know that is just a typographical error. Perhaps we could amend it on its face."

Black: "That's fine. That's fine. The only other question I have is the Attorney General didn't take a position on the Bill, but states, has stated to us that there is a potentially significant increase in liability for the state. Would you agree with that statement?"

Scott: "No, I don't. And the reason I... if there were lots of these cases out there, then potentially, there would be an increased liability. But in talking with the people from AFSCME, who represent most of these employees, in all of their recorded memory they could only think of three employees. And those were all with respect to corrections officers at Pontiac. I saw that same note. I'm not sure that that really is accurate. Besides, besides which what we're talking about, Representative, is reimbursing expenses for employees who weren't found to have done anything wrong. So, I think these are cases where we ought to protect the employees."

Black: "All right. I notice that he did put that in the Fiscal Note. But I'll accept your explanation. And I appreciate your forthrightness in answering the questions. Thank you."

Speaker Madigan: "Mr. Rutherford."

Rutherford: "Thank you, Mr. Speaker. I'd stand in support of the piece of legislation. Representative Scott, I familiar with some of these cases that you're referring to. And I've actually spoken to General Ryan and Ray Harris at AFSCME. And I think it's a fine piece of legislation. And I would encourage my side of the aisle to help support it."

Speaker Madigan: "Those in favor of the Bill signify by voting

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 'ayes', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1113, Representative Erwin. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1113, a Bill for an Act amending the Check Number Act. Third Reading of this House Bill."

Speaker Madigan: "Representative Erwin."

Erwin: "Thank you, Speaker. House Bill 1113 comes out of an investigation and the work of NBC Channel 5 and their investigative unit the City of Chicago, Department of Consumer Services, The Illinois Retail Merchants' Association, the Illinois Bankers' Association, and the Community Bankers Association. House Bill 1113 is an attempt to try and stem the practice of check mills, which are operations that do not check to make sure that checks that are ordered, checks for checking accounts, are verified as to who actually is the person whose name should be on the account. Let me tell you how this would work. There's advertised in Sundays' supplements, pretty cheap mail order check printing operations. And so they will advertise cute puppies, or kittens, or maybe your favorite sports team. So, Representative McGuire, here, on his checking account he might find that someone is able to steal a check and, in fact, white out Representative McGuire's name, scratch his name out, put in their name, and as long as it says void on the check, mail it in and very shortly thereafter, you will find a couple of boxes of checks will be delivered to somebody else's house effectively drawing out of Representative McGuire's

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

account. These only apply, really, to checks that are ordered that are not from financial institutions. So, we're not talking about the checks that you may order from your bank. We're talking about operations that, in fact, are shoddy and are able to have these check mills and mail them out cheaply because they don't verify the accounts for the checks. What House Bill 1113 will do, rather simply, is require verification. The Illinois Bankers Association and the Community Bankers Association support this because, simply, they will end up bearing the cost of these bad checks that then the bank has got to make you whole on if someone else has stolen a check and effectively ordered these other checks. So that the verification can be done quite simply. It can either be done through your bank or your savings and loan, or your credit union, or it can be done with you. And this is just when you're ordering where a change is made. So that when, Judy Erwin becomes Jack McGuire, or my address... that would be good... on a check, or if your address becomes Danville, when it should be Elmhurst. It's only when the changes are made. We're going to ask that people, who check, who print checks have to register with the Commissioner of Banks. And the Commissioner of Banks and Real Estate concurs with this. I do not foresee, nor do I think the agency does, a cost to the state because in terms of the rules and regulations there will be a minimal fee that these check printing operations are going to undoubtedly have to register with so that this is not at any taxpayer expense. This is something, I think, that everyone in this Chamber knows that bad checks, in the final analysis, cost everyone money since the cost of all goods and services rise as a result of this fraudulent activity. I hope some of you had the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

opportunity to view the video tape that the Illinois Retail Merchants' Association was kind enough to supply, and Channel 5. So, I would be happy to attempt to answer any questions."

Speaker Madigan: "Mr. Ryder."

Ryder: "Thank you, Mr. Speaker. Would the Sponsor yield for questions?"

Speaker Madigan: "The Sponsor yields."

Ryder: "Representative, I'm a little intrigued by your Bill. I know that when banks provide the checks themselves, they... it's self-verify. And they typically start with the low numbers and I know some of the folks in retail merchants don't accept, in some cases, checks under a 100 or under 200. But we're not talking about that problem. You're talking about changes on a check, is that correct?"

Erwin: "That is correct, Representative."

Ryder: "All right. My spouse likes the kinds of checks that you're talking about. She likes them because they're different. She also likes them because they drive her banker crazy since the banker is dull and he likes to have actually, a very dull kind of check. Can she still order those checks?"

Erwin: "Representative Ryder, absolutely. All this says is that if you order the checks from someone other than your bank, that number one, in order to do business in the State of Illinois they need to be registered with the Commissioner of Banks, first of all, to be able to do business. Number two, the first time your wife orders the checks with the puppies or whatever, that check printing company must verify that that account, in fact, is your wife's account. Sir, the verification can be done either through contact with the bank where the account rests, or with your wife.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

But it can be a signature verification, there are multiple ways to verify that it is, in fact, her account. Quite simply, we're asking just that it be verified. Now, I will tell you that these fraudulent instances of this, they have said, that well, we already do that. And so, basically what the Channel 5 investigation uncovered was that, in fact, in many instances they do not and that people had their checking accounts drawn from with a check that had someone else's name on it and someone else's address and yet it was their account at a reputable financial institution. So, it's that verification process. I truly believe that with registration and with the penalties that are in here, no one is going to want to fraudulently be doing business like this in the State of Illinois. After NBC first investigated this some time ago, most of these companies are based in Arkansas. They promised to clean up their act and, in fact, sometime later, Representative Ryder, they went back and found that the same thing was going on and, in fact, they hadn't cleaned up their act. So, that really led to the development of this Bill. And I know you are going to say something about Arkansas, but try and..."

Ryder: "No, Representative, I would not disparage the name of Arkansas anymore than it already has been. However, with whom... if you could tell me with whom are they registering?"

Erwin: "They're registering with a Commissioner of Banks and Real Estate."

Ryder: "And... have they indicated there's a financial cost to this?"

Erwin: "Representative, they have indicated that there will be some cost and what the goal here is that as part of the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

registration process, I did talk to Commissioner Jack Schafer, as part of this registration process, there will be a fee. So, we do not anticipate that it will cost that agency, certainly out of their own budget, but it will be a self-financing registration. as I said, the Illinois Bankers' Association, the Community Bankers' Association, the credit unions have all supported this because, in the end, they have to make you whole if, in fact, your account is drawn from."

Ryder: "Thank you."

Speaker Madigan: "Mr. Ryder, the Chair would encourage you to streamline the debate a bit."

Ryder: "Mr. Speaker."

Speaker Madigan: "Mr. Ryder."

Ryder: "I would certainly be willing to do that. Actually, I'm speechless at that remark, but then I was pretty much speechless during the entire debate."

Speaker Madigan: "All right, next will be Mr. Biggins. A man who always gets right to the point."

Biggins: "Thank you, Mr. Speaker. Representative... will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Biggins: "Yes. Representative, before I came over to you and asked if you had heard from the Deluxe Check Printing Company, did they ever contribute to this debate or have you heard from anybody representing the Deluxe Check Printing Company?"

Erwin: "Representative, as I mentioned to you, about a month ago someone, a well known lobbyist in this building, approached me saying that he represented the Check Printers' Association, that they thought there might be an Amendment. It never came forward, the Bill was heard in committee. I

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

do not recall Deluxe Checks or anyone else registering an opponent slip or offering any corrective action at the time and I personally have not heard from anyone, Representative Biggins."

Biggins: "Okay, well then I... maybe I could meet with you afterwards. I have letters from four people that work for them that are opposing the legislation. Maybe you could help me answer their concerns. Would you be able to do that, after the vote?"

Erwin: "I will certainly try."

Biggins: "Thank you very much."

Speaker Madigan: "Representative Hughes."

Hughes: "Thank you, Mr. Speaker. I have one brief question. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Hughes: "I, and probably some of my colleagues, received some communications from 'Intuit' and some other companies regarding what they perceive to be pretty onerous requirements for them to verify. Could you tell us, have you worked with the association to help address those concerns and remove some of their objections to the Bill?"

Erwin: "Representative Hughes, as I mentioned, I... and I'll tell you who it was, it was Jim Fletcher. I said, please tell me, bring whatever you may have on behalf of your client. We clearly want to make this work'. I heard nothing. No one has given me any language and, frankly, I'm not sure... I really am perplexed as to what the onerous burden is. I mean, I really don't see Deluxe Checks, obviously is... has an easy verification with most of the financial institutions in this state. So, it's simply a verification of what they do routinely."

Hughes: "Is it not true that the association is not opposing this

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Bill?"

Erwin: "Representative Hughes, I am not aware, frankly, of what their position might be. I don't believe they registered in committee."

Hughes: "To the Bill. It's my understanding that they are neutral on the Bill and the Bill is one that I do not believe creates any onerous burdens here. This Bill is straightforward, it is a very good consumer Bill and I urge your support. Thank you."

Speaker Madigan: "Mr. Black."

Black: "Thank you, Mr. Speaker. I Move the Previous Answer... or Question."

Speaker Madigan: "Mr. Black, there is no one else seeking recognition. The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there 109 'ayes', 3 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1145, Mr. Lang. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1145, a Bill for an Act relating to simulated voting by minors. Third Reading of this House Bill."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We're always talking about how to stimulate interest in government and the government process, interest in politics. We see that voting patterns are going down, turnouts are low at elections. This is because adults in our communities are a little cynical about politics and because we do not take the time to educate young people as to what politics and government is all about. Many of my

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

constituents say to me, 'why don't we go back to having civics classes as our parents did, some of us, so that they would learn about what goes on in Illinois and what goes on in government.' We aren't going to do that today but this Bill patterned after what they did in the State of Arizona and other states will go in the right direction towards teaching young people how to be involved in the process. The Voting by Minors Act is a privately funded optional program for counties in school districts around the State of Illinois to involve themselves in. It would call for privately funded, simulated elections in the polling place on election day for young people. It would call for a joint effort between the State Board of Education and the State Board of Elections to discuss the kind of curriculum necessary to teach youngsters about politics, teach youngsters about government and what it's all about and why good citizenship demands that they actually come to vote. This will accomplish two goals. It will require that their parents bring them to the polling place and get their parents in to vote and it will teach young people about the value of government and the value of good citizenship. I think this is a great program to teach young people these values. It's optional. It has no cost to the state at all. The program is voluntary and it will be funded by private sources. Counties can opt in or out, school districts can opt in or out, it is not a mandate on anyone. This has worked very well in the State of Arizona, teaching young people about these things and bringing their parents to the polls, increasing voter turnout. And I ask for your support."

Speaker Madigan: "Mr. Cross."

Cross: "Thank you, Mr. Speaker. Will the Sponsor yield?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Speaker Madigan: "The Sponsor yields."

Cross: "Representative Lang, why on earth would the... not why on earth, why did the State Board of Education oppose this in committee, do you recall?"

Lang: "Well they opposed it because they believe it will cost them thirty some odd thousand dollars to develop the curriculum. I think they can develop the curriculum with the people that they have on staff. I don't think it will cost them a dime. But even if it costs \$30 thousand to develop this program that's a very small price to pay to teach thousands and thousands of our young people what it is to vote in an election and why it adds value to their lives."

Cross: "I don't think anyone, Representative, will quarrel with the value of voting but in our last local election for township and mayors we had 25% of people registered to vote turnout and actually vote. Why aren't we emphasizing or putting a greater emphasis on having adults vote, instead of spending time with kids? Why don't we implement programs at the college level or with drivers licenses. Whatever you want to do but let's get adults voting and not waste our time on kids."

Lang: "I would be willing to join you in such a program but this program will help to foster that in two ways. First, when parents bring their children to the polling place they will probably vote. They'll say, 'well, what the heck, I'm here I might as well vote. That's the first thing. The second thing is, as we teach young people why this is important then when they become adults they will be anxious to join in and be involved in the process. This is good for young people and will be good for encouraging voter turnout when these young people are adult citizens."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Cross: "Representative, in my reading of the Bill there's a requirement that the children go to the poll with their parents or polls. Are we going to have... I'm assuming we're going to have separate voting booths for the kids so they can simulate how they vote and then the adults have the voting. Isn't that going to cost each county in all 102 counties additional money to set up these simulated polling booths?"

Lang: "This is all paid for by private funds, Representative. It's in the Bill. Not a single dime of any county money will go into this program. If a county could not raise sufficient funds to do this, they simply would not do the program. If they had certain precincts that could not fit polling booths for the simulated elections they simply would exclude those precincts. The program would allow for simulated elections in precincts where it would be permissible. There would be no cost to the county. It would look just like a regular election with ballots and election judges and kids would learn what it is to go in to vote, a very valuable experience."

Cross: "Once again, I don't think anyone quarrels with the experience, Representative, but in our county, one of the counties that I represent, all the schools, or most of the schools hold mock elections. We have elections on the school property during school hours and we have... we simulate the elections that you're talking about. I guess one of the questions I have is for the parents that vote during school hours are they required to take the kids out of school, go have a simulating... simulated vote and then take them back to school? Is that what you envision doing?"

Lang: "Every school district will make their own rules as to how

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

to handle this, Representative. As for the mock elections, I agree with you, many have those mock elections but there's no involvement by the State Board of Education and State Board of Elections and those mock elections do not look like other elections. This program would basically duplicate the regular election process with judges, with binders, with voting booths, with ballots."

Cross: "One final area, Representative. There's a curriculum requirement from at least from what I read of 6 to 12 hours classroom instruction, including homework assignments. Now we get accused often and schools get accused often of not teaching the basics of reading and writing and math and arithmetic. Why are we now adding to the curriculum additional things besides the sciences and as I said, reading? Why do we want... I don't think there is enough time in the day right now."

Lang: "You answered it yourself, Representative. You think it's a valuable experience for kids to learn what voting is all about, what we do as adults and why we want to encourage them to be more involved in the process, so that when they are adults they don't face the same cynicism from members from our constituencies about what government is all about and what politics is all about and voting is all about that we face when we run for reelection every two years."

Cross: "Thank you."

Speaker Madigan: "Ladies and Gentlemen... Ladies and Gentlemen, the Chair would suggest that this Bill has already been debated, at length. There are now five Republicans seeking recognition to speak against Mr. Lang..."

Lang: "You don't know that, Mr. Speaker, give them some credit."

Speaker Madigan: "Six, seven, eight, nine. Of those seeking recognition the first to seek recognition was first Mr.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Bost, who gave up and then Mr. John Turner. Mr. Turner.

Could I just suggest that we try one more and try a Roll
Call? Mr. Turner."

Turner, J.: "I'm sorry, Mr. Speaker. What was your suggestion?"

Speaker Madigan: "That maybe you might be the last Republican
attack against Mr. Lang."

Lang: "That may be too much pressure for Mr. Turner."

Speaker Madigan: "It's just a suggestion."

Turner, J.: "Mr. Speaker, your request is that I go last, was
that it?"

Speaker Madigan: "Just a suggestion."

Turner, J.: "In deference to the Speaker, however you wish for me
to proceed."

Speaker Madigan: "Did you wish to speak or question, Mr. Lang?
Please proceed."

Turner, J.: "Yes, would the Gentleman yield?"

Lang: "Certainly."

Turner, J.: "Representative Lang, I know you're against mandates,
unfunded mandates, mandates from the state to the locals."

Lang: "Yes, Sir. I dislike mandates."

Turner, J.: "You dislike them. Well, this sure sounds like a
mandate to me. Can you tell me why it is not?"

Lang: "It is not a mandate because as I said, counties can choose
to be in or to be out. School districts can choose to be
in or to be out and it's all privately funded. Where's the
mandate?"

Turner, J.: "Well, by definition a statute mandates something.
Are we not mandating the State Board of Elections in this
particular case?"

Lang: "This does not mandate anything to anyone. It allows
counties to have simulated elections in the polling place,
paid for by private funds to teach young people about the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

values of government."

Turner, J.: "You indicated earlier that this is going to privately funded. By whom? Is this lined up, is this spelled out in the statute? What do you have in mind there. Where are the private funds coming from?"

Lang: "When this law passed in the State of Arizona, hundreds of organizations, hundreds of corporations came forward and said, 'Yes, we believe that this is valuable to bring parents to the polling place to vote and to teach youngsters about what goes on in America.' They came forward and they funded the program and now all over the State of Arizona these programs go on."

Turner, J.: "Mr. Speaker, I'm worried sick about this Bill and I think that should it receive the request number of votes we would be requesting a verification. I did have a couple more questions. Mr. Cross had asked you a question about the curriculum requirements and of course, it was loud over here. I could not hear your response. What is required in your Bill with regard to curriculum?"

Lang: "The only thing that is required is that school districts involve themselves in the program which is voluntary, that they setup the necessary curriculum. The State Board of Education and the State Board of Elections will work to prepare a joint effort to suggest to school districts, to teach relative to these issues. There is no cost to the school districts unless they choose to have a cost."

Turner, J.: "Thank you, Mr. Speaker. That's all the questions I have."

Speaker Madigan: "Thank you, Mr. Turner. So, again the Chair would suggest that we go to a Roll Call at this time, and those in favor of the Bill vote 'aye'; and those vote 'no'. Those opposed vote 'no'. Have all voted who wish? And

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

there is a request for a verification. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 50 'ayes', 62 'noes'. The Chair recognizes, Mr. Lang."

Lang: "I would ask for Postponed Consideration."

Speaker Madigan: "This matter shall be put on the Order of Postponed Consideration. House Bill 1178, Mr. Bost. For what purpose does Representative Mulligan seek recognition?"

Mulligan: "Mr. Speaker, I have an Inquiry of the Chair. At the beginning of this year when we established the rules for speaking, I asked you a question about how would you know who is going to support and who is going to oppose? There were two of us here who were willing to support Mr. Lang's Bill and wanted to speak to it. But you made the assumption that because we were Republicans we weren't going to support it. I feel that's unfair and I would like to point out to you it's the same question I had at the beginning of the year. So, maybe we have to figure out some way to identify what we're going to do here. I never feel that I'm one of any particular Body on any each individual vote. I feel that I can discuss it. But, thank you."

Speaker Madigan: "Okay, Thank you, Representative Mulligan. House Bill 1178, Mr. Clerk, have you read the Bill?"

Clerk Rossi: "House Bill 1178, a Bill for an Act amending the Illinois Highway Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. House Bill 1178 amends the Illinois Highway Code to allow district clerks to receive a per diem fixed by the county board, the highway board of trustees or the board of town trustees,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

effective January 1, 1998. This is in response to a situation that has occurred throughout the state. In counties that are commissioned forms of government, whenever we pulled away from township forms of government we left the clerks in place for the individual road districts. What this did was the state then set their salaries. Many of these clerks, though the salary is about a \$1 thousand, or is a \$1 thousand. Many of them handle tremendous amounts of money, handle a tremendous road fund and it is a job that takes a lot more time than any \$1 thousand could pay for in the time that they have to work. This basically leaves it up to the local governments to make the decision on what these should be paid, and I'll be glad to answer any questions."

Speaker Madigan: "The Gentlemen moves for the passage of the Bill. There being no discussion. The question is, 'Shall the Bill pass?' Those in favor signify by voting 'yes', those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 106 'ayes', 7 people who are voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1217, Mr. Beaubien. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1217, a Bill for an Act amending the Alcoholism and Drug Addiction Intervenor Reporter Immunity Law. Third Reading of this House Bill."

Speaker Madigan: "Mr. Beaubien."

Beaubien: "Yes, thank you, Mr. Speaker. This Bill amends the Alcohol and Drug Addiction Intervenor and Reporter Immunity Act and provides that all reports, findings, proceedings, and data related to the intervention are confidential and

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

privileged, are not subject to discovery or disclosure nor are they admissible in any proceeding including but not limited to civil or criminal proceedings. This was a Bill suggested by the Chicago Bar Association as the result of a piece of litigation in the federal courts which was subsequently settled which would have required the... one of the participants in an intervention to disclose the proceedings and of the intervention. There was an Amendment by the... suggested by the Medical Society which was added, which clarified some of the language and I believe at this point also, does have the support of the Medical Society. Would be happy to answer any questions."

Speaker Madigan: "Mr. Dart."

Dart: "Thank you. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Beaubien: "Yes."

Dart: "Representative, I understand that the gist of this then is to keep the confidential... any intervention related proceedings. Is that correct?"

Beaubien: "That's correct. Drug and Alcohol intervention under that particular Act. Yes."

Dart: "So that would be, if an intervention for a drug addiction, or the like was going on and anything that that person would say or do during that time would be kept confidential. Is that correct?"

Beaubien: "That's correct."

Dart: "Now... I haven't, I didn't hear all of your explanation. If an individual admitted to or made references to commission of a crime or anything like that, would this prohibit the use of that information?"

Beaubien: "I do not know the answer to that question."

Dart: "Okay. I guess that's my concern, Representative. It is

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

probably addressed and it may not be a concern to be worried about but I'm just not sure when you have an intervention if this would tie a prosecutors hands if they were later to find out that there is information that came about during that intervention. I don't know, it may be... it's a concern of mine that I'm not sure. I was hoping you might be able to explain that to me because I just am worried about what may come out during the course of an intervention, if that then prohibits anybody from utilizing any of that during a future... say prosecution, say somebody admits to a murder or something during the course of a drug deal or something like that and when they are in there for an intervention would there be any problems with something like that? If they made admissions during the intervention."

Beaubien: "I am not aware that the Act specifically deals with that. The Act as it currently exists, provides for tort immunity, this Act does provide the proposed legislation in the Amendment does provide for the immunity or the protection from testimony of the proceedings that went on during that time. Whether or not if these people were lawyers, there were, you know, ethical considerations or not, I just don't know the answer to that question."

Dart: "Okay. I'm looking at the text of the Bill right now and it refers to reports, findings and the like relating to an intervention are confidential, are not subject to discovery, are not admissible in any proceeding including a criminal proceeding. I just... I have a concern about that. I'm just... I'm afraid that this might prohibit some information that could be utilized in the criminal proceeding from coming forth and I understand that's not your intent but I'm not sure..."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Beaubien: "It is not, no."

Dart: "I don't know if this is drafted that way. Well, Representative, for that reason, I'm going to have to vote 'present' on this Bill because as I say, I'm not clear as far as how far this could be utilized. As I say, I understand your intent and I agree with it, but I'm just not sure if this a little bit too far. Thank you."

Beaubien: "Thank you, Mr. Representative."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 112 'ayes', 0 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1218, Representative Clayton. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1218, a Bill for an Act amending the Illinois Highway Code. Third Reading of this House Bill."

Speaker Madigan: "Representative Clayton."

Clayton: "Thank you, Speaker."

Speaker Madigan: "Would the Members please give their attention to Representative Clayton?"

Clayton: "House Bill 1218 provides that a municipality is authorized to enforce a county weight limit ordinance applying to county highways within its corporate limits and it is entitled to the proceeds of any fines collected from the enforcement. And the language in the Bill is permissive. This Bill comes from a concern that was expressed to me from one of the municipalities in my district who believed that it had the authorization to enforce the county weigh ordinances but then discovered that they had no such authorization. This Bill was

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

suggested by the County of Lake and it is supported by the County Engineers' Association. I would be happy to answer any questions."

Speaker Madigan: "The Lady moves for the passage of the Bill. Those in favor... there's no discussion. Those in favor vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 'ayes', 2 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1151, Mr. Bradford. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1151, a Bill for an Act to amend the Local Governmental and Governmental Employees Tort Immunity Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Bradford."

Bradford: "Thank you, Mr. Speaker. House Bill 1151 amends the Local Governmental and Governmental Employees Tort Immunity Act by adding to that Act a prescription to remove tort immunity in those cases where there are willful and wanton conduct of supervised activity taken on by government... or a public entity operating facilities such as parks, school districts. It is at the invitation of the Supreme Court that I bring this Bill to you in regard to cases that they have decided where there has been willful and wanton conduct resulting in the death or serious injury of people using those facilities. This is also a Illinois State Bar Associated sponsored Bill. And I urge your support in regard to the Bill."

Speaker Madigan: "Mr. Turner."

Turner, J.: "Will the Gentleman yield?"

Speaker Madigan: "The Sponsor yields."

Turner, J.: "Thank you. Representative, as you know, this

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

General Assembly passed House Bill 20 and you weren't here at that time."

Bradford: "I'm sorry, I can't hear you, Representative."

Turner, J.: "Sponsored by Representative Cross, immediately to my left. Within that Bill there were some certain caps and my question to you is, do those caps apply to the statutory provision that is being amended under your Bill?"

Bradford: "Those caps would apply to this Bill if those caps are constitutional."

Turner, J.: "Is there any opposition to this Bill?"

Bradford: "The... yes, there is. The County Municipal League, the Association Municipal League is against this Bill."

Turner, J.: "Have they indicated to you, have they approached you and explained to you what their opposition is and if so, could you explain their opposition to the other Members of the House?"

Bradford: "They have not approached me but the understanding that I have is that the objection is that it creates a liability in regard to those organizations that are members or those entities that are members of their organization."

Turner, J.: "With regard to the liability that could be created, should a judgement be entered. How would a unit of local government go about paying their obligation under a judgement? I mean, would it require a tax or just how would they satisfy a judgement?"

Bradford: "To the extent of their general funds, coverage by insurance, or the use of their taxing authority. All of those could come into play depending upon the result and circumstance."

Turner, J.: "Would it be a fair statement then that, should a judgement be given by a court pursuant to a jury verdict which was in excess of any insurance coverage that a unit

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

of local government may indeed have to levy a tax to satisfy the judgement?"

Bradford: "That is possible, Representative."

Turner, J.: "Is this your first Bill?"

Bradford: "This is my first Bill."

Turner, J.: "Well, you're doing a fine job, thus far."

Bradford: "Thank you."

Turner, J.: "Are you familiar with House Bill 374?"

Bradford: "I can't say that I am, at this moment, Representative."

Turner, J.: "All right. That also makes Amendments to the Local Governmental and Governmental Employees Tort Immunity Act but you would not be able to opine whether or not your Bill does the same thing as that if you have not seen it, I suppose."

Bradford: "I'm not familiar but if it's the same... there is a Senate Bill that has been reported out that is identical to the House Bill that is now being considered. That has been favorably reported out of the Senate."

Turner, J.: "And do you know what the vote was in the Senate? It was close to unanimous was it not?"

Bradford: "Yes, it was."

Turner, J.: "It's my understanding that the reason you are sponsoring this legislation is the result of a Supreme Court case."

Bradford: "There are two cases that primarily that have brought this to the attention to the State Bar Association and Members here. One is the Supreme Court case. Just to give you an idea of the basic facts in that particular instance, in the Zion Park District that operates a swimming pool, a young man was at the swimming pool, under the supervision of lifeguards which were provided by Zion Park District,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

apparently hit his head on the diving board, sunk to the bottom of the pool and when the lifeguards were notified of that circumstance they failed to act. And required eventually, a patron of the pool to pull the child out, the child expired. There is a subsequent case out of the second district that... that involved the supervision of the background material for a play that was being made. The teacher-supervisor in that particular case allowed the full class to get up on the catwalk which was not for that purpose, it fell, results of a fatality there and serious injury."

Turner, J.: "I've read those cases as to the latter cases, that was a school district which was the unit of local government, was it not?"

Bradford: "That is correct."

Turner, J.: "And as to the first case that you mentioned, involving the Park District and the swimming pool, would it not be correct that you could have amended Section (b) of 3-108 in House Bill 1151 and addressed that situation without indeed amending Section (a) which is a broader Section than Section (b)? Could you have not addressed the Supreme Court's concern by simply redoing Section (b) and not addressing Section (a)?"

Bradford: "I think that's true in regard to the Zion Park District case because that was specific operation of a swimming pool. However, I do not believe that would address the... case in regard to the school's activity which would require both (a) and (b) to be amended."

Turner, J.: "Do you know if a unit of local government can be held responsible for payment of punitive damages?"

Bradford: "No, they cannot."

Turner, J.: "Thank you, Representative. That's all the questions

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

I have."

Speaker Madigan: "Mr. Stephens."

Stephens: "Thank you, Mr. Speaker. The Gentleman would yield?"

Speaker Madigan: "The Sponsor yields."

Stephens: "Representative, you're from Madison County aren't you?"

Bradford: "Correct."

Stephens: "Is this our first Bill?"

Bradford: "This is our first Bill."

Stephens: "Well, I think we probably ought to take a little time and debate it. This... is this... is this part of your five point election campaign propaganda scheme that you used?"

Bradford: "This was not part of my five point plan to become elected, no Representative."

Stephens: "I didn't call it a plan. I called it a scheme."

Bradford: "I understand you called it a scheme. I called it a plan."

Stephens: "The Holbrook Plan we call it down there."

Bradford: "I'll take help from Mr. Holbrook anytime I can."

Stephens: "This is a Bar Association Bill, is that right? Bar Association? Which Bar Association? Which Bars are you representing?"

Bradford: "This is the Illinois State Bar Association requested Bill. Yes, Sir."

Stephens: "What Bars do they represent?"

Bradford: "They represent the Bar that is the Bar before the courts of this state."

Stephens: "In Glen Carbon?"

Bradford: "Meaning the attorneys and officers of the courts of this state."

Stephens: "Any of the good bars in Glen Carbon?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Bradford: "I have frequented some of the good bars in Glen Carbon and not very many of the attorneys are there too often."

Stephens: "Well, they never admit to it, at least. Representative John Turner had some serious questions about this Bill. Is this something that is going to benefit the people of Madison County?"

Bradford: "This Bill will benefit those families throughout the State of Illinois that suffer injury as a result of willful and wanton conduct of public entities or governmental employees in this state."

Stephens: "If that's true, why did you wait until 9:30 in the evening when half of these people are gone and the other half are asleep? Are you trying to sneak this through?"

Bradford: "No, in due deference I waited until the Honorable Speaker called my Bill and pursuant to the Rules as I understand them."

Stephens: "Oh, you wanted the real Speaker out here. Oh, I see."

Bradford: "Pursuant to the rules, as I understand them

Stephens: "Representative Brunsvold wasn't good enough for you. Representative Granberg wasn't good enough for you. You wanted Mike Madigan or you weren't going to call your Bill, were you?"

Bradford: "No, that's not true at all. I would have called the Bill under any circumstances."

Stephens: "So you didn't want Mike Madigan."

Bradford: "But I am happy to have the Speaker call my Bill."

Stephens: "Mr. Speaker, there is a problem on your side of the aisle, Sir. I have identified it, you've got a problem of leadership. Representative Bradford is going to have a coup. Madison County is taking the Chair today. I just hope I get to share in part of the glory."

Bradford: "I hope, Representative Stephens, that you're here long

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

enough to see me take the Chair."

Stephens: "Nobody is going to live that long."

Bradford: "Very good."

Speaker Madigan: "Mr. Durkin. Mr. Durkin. Mr. Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Durkin: "This is not, the first part of my question is just not going to be the regular chop-busting that usually happens on the first Bill for a number of new Members but I would like to ask a few questions regarding what you define as a public entity and as a public employee. Now a public entity, we're talking about something like a park district, correct?"

Bradford: "Correct."

Durkin: "I'd like to find just... to find a little bit of what you mean by public entity?"

Bradford: "A local public entity can be any, can be construed to be any substantially financed entity operating under a government charter and with public funds."

Durkin: "Okay, my question is, public entity, let's take for instance a park district. A park district rents out a gymnasium to a local Catholic school for a shoot around for basketball players. An injury occurs on their... a terrible injury, would the park district or would the Catholic school be liable for... if there's an action which can be defined as willful or wanton by the individual who's part of that church organization? Is the park district liable for that inaction or that willful or wanton conduct?"

Bradford: "The park district is only responsible for its own or its employees' actions. Not in regard to a rental to someone else who would then subsequently willful and

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

wantonly fail to supervise would not entail liability to the park district at all. Under this Bill."

Durkin: "Okay. I guess the same question would go for public employees because I can think of a variety of situations which someone could be considered an agent, a 'defacto agent' of the state and a perfect example is someone who law enforcement officials use on a regular basis are confidential informants. There's always an argument that these individuals in whatever the capacity they are working are an agent of the state. They're not on a payroll but they are acting in somewhat as an agent. If these individuals, a lot of times these people are not the most reputable human beings and a lot of times they have violent traits. But the fact is, if they are used in some type of sting operation and they do commit some type of action which goes beyond what their original charter is, is the local police department liable for that willful and wanton action? Is that person considered a public employee?"

Bradford: "In this Act, yes. Well the answer is yes, he can be considered as a public employee. But as it relates to this Act, this Act relates specifically relates to activities on the public property and not all activities of local government entities that may be involved such as you suggested."

Durkin: "So, it could be like a transaction, let's say a drug transaction which is or a sting operation happens within the Chicago Park District. I mean that technically would fall within this section that would impose liability on the Police Department for that agent's willful and wanton conduct. Correct?"

Bradford: "To the extent that he may have been qualified as a government employee. The question is, how are you going to

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

define 'government employee'? An undercover agent that is a full-time employee is going to be a government employee. Someone that's a 'snitch' or involved otherwise is not going to be an employee."

Durkin: "Okay. I have no further questions. Thank you very much."

Speaker Madigan: "Mr. Scott. Mr. Scott."

Scott: "Thank you, Mr. Speaker. Very briefly to the Bill. As a former municipal employee who has been able to take advantage of this particular loophole on occasion, I mean, I understand the issues. I understand why the Municipal League is against it and I understand why the City of Chicago is against it. But, quite frankly, this is a loophole in the law that was never meant to be there. It was never meant to be an absolute immunity for these types of cases and what we've done is we've created some situations where some people were injured and municipalities were left, in fact, there was no recovery left for these people. It puts in a standard of willful and wanton conduct which is a pretty high standard. So, there are still some protections for the municipalities. So, in spite of the fact that I'm going against my heritage, I think this is a very good Bill. I think Mr. Bradford is right for bringing it and I would urge people to support it."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye'; and those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 106 'ayes', 7 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1450, Mr. Rutherford. Mr.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Clerk, read the Bill."

Clerk Rossi: "House Bill 1450, a Bill for an Act in relation to bonds. Third Reading of this House Bill."

Speaker Madigan: "Mr. Rutherford."

Rutherford: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1450, raises the bond authorization level for the Illinois Development Finance Authority. It raises the total up to approximately \$2.9 billion. I would be glad to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, those in favor... Mr.. Skinner."

Skinner: "I mean when we're talking billions, you know, a billion here, a billion there it adds up to real money. Could you tell us how much you're increasing the Illinois Finance Development Authority's bond authorization."

Rutherford: "As I said in my opening comments, \$2.9 billion."

Skinner: "You sort of swallowed it, \$2.9 billion."

Rutherford: "It's authorization so that it can be used for economic development purposes around the state and then repaid back, this is authorization..."

Skinner: "All right, as long as we're all awake..."

Rutherford: "'B' as in bubbles and billions, yes. Thank you."

Speaker Madigan: "Once again we'll try Mr. Rutherford."

Rutherford: "Thank you, Mr. Speaker, I ask for a favorable Roll Call."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 95 'ayes', 19 'noes'. This Bill, having received a Constitutional Majority, is hereby

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

declared passed. House Bill 1230, Mr. Phelps. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 1230, a Bill for an Act amending the Interstate Ozone Transport Oversight Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Phelps."

Phelps: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1230, amends the Interstate Ozone Transport Oversight Act which was passed last year. It amends the law to include a state implementation plan for Illinois regarding the ozone attainment. This will allow for legislative review of any plan by the State Environmental Protection Agency before such a plan is submitted. In this Bill, we direct the Department of Commerce Community Affairs and the Department of Natural Resources to assist in the legislative review and conduct a joint study of impacts to the state economy which may result from the proposed plan for ozone attainment. In the absence of any action by the General Assembly, the Bill that provides the EPA may submit a plan that will be more stringent than would be necessary to comply with the United States EPA standards. So, we're merely trying to make sure that we have legislate oversight and review for this joint study of what the state's impact to the economy may be from the ozone attainment. So that it may not supersede the requirements or compliance standards imposed by the U.S. EPA. I appreciate your support."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion. The question is, 'Shall the Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Renee,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

record yourself. Have all voted who wish? The Clerk shall take the record. On this question, there are 115 'ayes', 2 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1232, Mr. Scott. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1232, a Bill for an Act to amend the Illinois Insurance Code. Third Reading of this House Bill."

Speaker Madigan: "Mr. Scott."

Scott: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1232, adds a phrase in the Insurance Code which would provide some relief for municipalities. Very briefly municipalities who have demolition costs incurred on a property that's been fire damaged that's subject to an insurance policy and before that policy can be paid off the municipality has to be covered for their expenses incurred in demolition. The same is also true of taxes that are outstanding. This would add a phrase that allows for the municipality to recover costs for securing the property. Very often what happens is the municipality will board up the property after supplying notice under the statute but the insurance policy pays off the claim and there is no demolition done on the property. So, what happens is, owners take the policy proceeds. They don't pay off the municipality for the costs that are incurred and the public is left holding the bag for those costs. This would simply add those costs to those that we already compensate under the Act and I would ask an 'aye' vote. It passed 23 to nothing in the Insurance Committee."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor yield?"

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Speaker Madigan: "The Sponsor yields."

Black: "Representative, this Bill has nothing to do with the ultimate demolition of the building. It is putting some requirements on the owner of the building prior to settlement. Correct?"

Scott: "Actually, what it does it's not even relevant to selling what happens right now."

Black: "No, I said settlement. Prior to settlement, the insurance settlement."

Scott: "Of the insurance company, that's correct."

Black: "All right. And I know of no opposition to the Bill."

Scott: "No, in fact, we had some discussions with the insurance industry. At first they had some reservations but we talked and they have no opposition to it at all."

Black: "Actually, the only reason I asked you a question was that I was stalling so I could get on the Bill as a Cosponsor and it's very kind of you to let me do that."

Scott: "I've just signed it. Thank you."

Speaker Madigan: "Representative Monique Davis."

Davis, M.: "Just ask this, Sir. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Davis, M.: "If a person's home catches on fire and it's boarded up, what happens with your Bill?"

Scott: "What would happen, Representative Davis, is before the insurance company would pay off the proceeds of the insurance policy for the fire damage, if the municipality has incurred costs in boarding up the property those costs would have to be paid off before the policy is paid. Right now, if there are demolition costs or outstanding taxes, those would have to be paid before the policy pays off. This would just add the cost of boarding up the property to those things which are paid off prior to settlement."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Davis, M.: "Representative, are you saying that if the insurance company is going to settle with the person who had the fire loss or fire damage, before they do those things they're going to check with the city or municipality to see if the municipality came in and demolished the building or if the municipality had the place boarded up?"

Scott: "Yes, they do that right now, Representative. They're required under the Act as it stands right now to check with the municipality with respect to demolition costs and they're also required to check with outstanding taxes. That's currently the law right now."

Davis, M.: "So, why do you think that we need this? Who's... I mean what's happening? Are people losing money or what's going on? And the reason I'm asking the question is because if a person suffers a loss, like a fire in a home they're under tremendous pressure and that's an awful thing to have to move out of your burned out home. You might have lost all your thing. You might have lost a family member and now it appears you're going to take away from them a portion of what the insurance company would provide for them to find new living quarters. Perhaps they have to replace everything that they lost and I'm just not sure why at this time this Bill is needed. Let me share with you, a constituent of mine, a senior citizen. Her house caught on fire and she had to move away and before she could... they boarded the property up but before she could return the city started demolition. Fortunately for her, her son lived across the street and could stop that from happening. But just imagine, you're already suffering a terrible fire loss. You're waiting for something from the insurance company in order to, perhaps repair your house and at the same time you've got to pay for new living quarters where

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

you live. Some people have to stay in a motel, some in a hotel. You know, sometimes the Red Cross has to put these people up. Now, you're saying they now must be also concerned about the cost that a municipality may incur because that municipality boarded up their places?"

Scott: "Yeah. Right now under the statutes, yeah and I'll tell you why, Representative. Those are good questions but there is a good reason for it. The municipality has authority that we've given them under the statutes to board up property that's open and there's a good reason for that it's because it's dangerous. It's dangerous for children playing in the neighborhoods. It's dangerous for the entire neighborhood. So, we've said that if the owner does not take care of a boarding up that property that the municipality can do that. That's the law right now. And now what we're saying is, that if they do that, if they take care of dangerous open situation that the municipality should be able to recover the costs of doing that."

Davis, M.: "Doesn't the insurance company usually take care of costs for boarding up already?"

Scott: "Not always."

Davis, M.: "If your house catches on fire, don't they say, board up service is provided? You know, I had an office that was almost on the corner and every time a window got broken because people were leaning on it waiting for a bus, the insurance company would pay for the board up."

Scott: "In some cases Representative, but not always. Or in some cases what happens is that comes much later on. Some policies just don't have a board up part of it."

Davis, M.: "So they will pay for the board up and what else do you want them to pay for?"

Scott: "That's it in this Bill, Representative. The state law

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

already allows the municipality to recover demolition costs."

Davis, M.: "If there are ashes from that house that burned, if there are ashes from all the material things that a person owned, you want to take money from the settlement from the insurance company. You want to take some of the money and they have already lost tremendously."

Scott: "No, that's not part of this. Just securing the property, not any of the removal cost."

Davis, M.: "Just to secure the property."

Scott: "That's what this Bill does. Yes, ma'am."

Davis, M.: "And the insurance companies agree that this should be the law. They should be required by law and not by their contract, to take a part of these people who's had... who suffered a lost to board up their property?"

Scott: "They already do the form to the municipality to check if there are any incurred demolition costs. This just adds something to the form and no, they don't have a problem with that."

Davis, M.: "Thank you very much."

Scott: "Thank you."

Speaker Madigan: "Those in favor of the passage of the Bill vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 'ayes', 2 'noes'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1344, Mr. Meyer. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1344, a Bill for an Act to amend the Emergency Medical Services Systems Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Meyer."

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Last year this Body passed a Bill that allowed for demonstration project of a free-standing medical... or emergency treatment center. And as a part of that legislation there was a limit placed on size of a community that could participate in this of 40,000, excuse me, 50,000 people or less and also a time, a very specific time limit during which this demonstration project would take place. During the past year the rules for this demonstration project have been in the process of being written and the demonstration project was therefore delayed by a period of one year. During that time the community that this pertained to, has grown to a little bit in excess of 50,000 people. And this Bill simply increases the size of the community to 60,000 people or less and it also extends the demonstration period by the one year that it has taken for the rules to be put in place. There is no opposition to this Bill. It passed out of committee with no dissenting votes and I'd be happy to respond to any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion. The question is, 'Shall this Bill pass?' All those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 'ayes', 0 voting 'no'. This Bill, having received the Constitutional Majority, is hereby declared passed. The Chair recognizes, the Clerk for the purpose of an announcement."

Clerk Bolin: "The Rules Committee will be meeting at 9:55 in the Speaker's Conference Room."

Speaker Madigan: "Please be calm. Please be calm. We have just

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

a few Bills left. House Bill 1025, Mr. Hannig. Mr. Clerk, read the Bill. (sic-House Bill) 1025."

Clerk Bolin: "House Bill 1025, a Bill for an Act relating to sites for for high school athletic contests. Third Reading of this House Bill."

Speaker Madigan: "Mr. Hannig."

Hannig: "Take it out of the record."

Speaker Madigan: "Mr. Hannig. You don't wish to call the Bill? Take this Bill out of the record. Shall we call another Lang Bill? Let's try a Scott Bill. House Bill 1234. Mr. Clerk, read the Bill."

Clerk Bolin: "House Bill 1234, a Bill for an Act to amend the Abandoned Housing Rehabilitation Act. Third Reading of this House Bill."

Speaker Madigan: "Mr. Scott."

Scott: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1234 will amend the Abandoned Property Housing Rehabilitation Act. That's an Act that we passed several years ago and amended last year. The purpose of the Act is to allow entities to take over abandoned properties to rehab them and to put them back into good use. Unfortunately, there's a clause in that that does not permit that to happen very often. There is a clause in there that says, the property has been tax delinquent for the proceeding two years, that it's been continuously unoccupied for a year that the property is a nuisance and the petitioning organization then goes to the courts as to how they are going to rehab the property and then they put it back into use. The owner has the ability to come back and reclaim the property and pay for whatever the costs were involved. Unfortunately, the clause that makes the property be tax delinquent for two years virtually stops

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

this in its tracks and doesn't allow it to happen at all. Because a lot of property which has been abandoned and there isn't any intention of doing anything with it, is not tax delinquent. People will pay minimum taxes especially in areas where the economy is depressed and the housing values are small. They will pay the small taxes and let the house sit there and do nothing. It really has an impact on neighborhoods, especially in low-income areas and we think this Bill could be very important for groups like for Habitat for Humanity, other not-for-profit housing groups and those interested in rehabilitating property. And I'd ask an 'aye' vote."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. Will the Sponsor Yield?"

Speaker Madigan: "The Sponsor yields."

Black: "Representative, your Bill makes no reference to the kind of organization. It simply says, an organization may petition for temporary possession of property. Is that intentional or are we to assume that we know what organization may petition? I mean, you listed some but the Bill is silent on that part."

Scott: "It's silent intentionally, Representative, and that's the way the law has been since it was passed. I believe it was in the 88th General Assembly that this law was passed. Perhaps even in the 87th, that hasn't changed. The language regarding an entity is actually something that's been there since the beginning of the law. We're not changing that here. And it's silent on purpose because it could allow for profit groups, not-for-profit groups and others to claim the property. The idea is to put the housing back into good shape, get somebody living in the

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

property and put them back into effective use."

Black: "What if an organization wants to occupy the property that has no intention of making it a house, maybe they, you know, club house an activity center. And if the organization is, in fact, a qualified not-for-profit, might then the property stay off the tax roles? I'm confused as to what your intent is. If it is to get property back in use and back on the tax rolls, I'm not sure how your Bill is going to do that."

Scott: "Well, I didn't say back on the tax rolls, that's part of the problem now. These are already on the tax rolls, that's why they are not getting... that's why this Act isn't happening. It's to put it back into use. When it's used effectively, can be used by a municipality, it could be used by a not-for-profit group. The idea is to have them give them to give a plan to the court as to how they are going to rehabilitate the property. Obviously, they've got zoning laws and other things that they have got to meet in any instance. So, it wouldn't allow a lot of uses for the particular property. We're not changing any portion of that. The only thing we're doing with this is removing the one stumbling block toward making this work. The Act in itself, the entity, what it's used for, petitioning the court, all that's remaining the same. All we're taking out is the tax delinquent portion of it because that's what stops a lot of groups from using this in the first place."

Black: "Well, does that mean if an organization takes possession of a piece of property, the unpaid taxes stop at that point or do they accrue the liability? Let's say, they utilize the property for three years, by their possession does that stop the delinquency clock from ticking?"

Scott: "No. No, it doesn't. What happens, Representative Black,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

is that the owner then has the option of coming back in and trying to make good on that. If the owner doesn't do it, the not-for-profit group or the entity if it's a for profit entity is going to be responsible for keeping those taxes back up. So, if the property is one which is going to remain on the tax rolls, if it's not a tax-exempt property for whatever reason, those taxes are then going to be made up either by the owner when he reclaims the property or by the group when they finally get ownership of it through the court."

Black: "Well, does the Bill do anything to the underlying statute on the ownership rights of the property? Two years is not a great deal of time. It may be an absentee owner who just simply hasn't caught up with his tax bills or says, well I'll get to that next year. And all of a sudden, his or her property is now a possession. Is it going to be adjudicated an adverse possession and the ownership rights might be abrogated?"

Scott: "None of this has changed. What happens, just by operation what would happen is, first of all the court has to declare the property through this petition, has to declare the property a nuisance and has to find that its been abandoned for a period of one year or more. Then they have to put a plan together as to how they are going to rehabilitate the property. That has to be approved by the court. After a period of two years, if the owner comes back and say, I want the property back he has to reimburse the group for all the costs that they have incurred. That's been the function of the law. That's already in place right now, Representative. This doesn't change any of that."

Black: "What happens, I know my county vigorously pursues the tax

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

sale. They even have an auction on occasion, they do everything they can to get the back taxes and to get somebody responsible for the property. What does this do to the tax buyer or tax scavenger? Does it render them impotent as far as their ability to come in and purchase property for back taxes because now somebody is possessing the property?"

Scott: "No."

Black: "I guess what's really throwing me off is this was a very close committee vote, 9 to 8, and yet no proponents or opponents testified."

Scott: "I don't know that I can explain it. I can tell you what happened. We simply agreed to have a partisan Roll Call because somebody had a question, although they didn't say what it was. So we just agreed to have a partisan Roll Call."

Black: "Well that's one way to handle the committee structure, I guess."

Scott: "I guess."

Black: "Thank you, Representative. I appreciate your answers."

Scott: "Thank you."

Speaker Madigan: "Mr. Fritchey."

Fritchey: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Fritchey: "Representative, what I'm curious in is that the potential effect that this has on an owner. If an individual owns some property but they choose for reasons known only to them, not to do anything with that property for a period of time. I read the Bill as saying an organization can come in, petition the court and say this property is a nuisance and the owner is then going to have the burden of going into court, showing that it is not a

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

nuisance and then even if he's successful he's going to be liable for the court costs in showing that his property was not a nuisance and then he could do with it what he chooses."

Scott: "Yeah. I mean, the idea behind it, I mean that's possible. But the idea behind this Representative, remember in a lot of neighborhoods and I don't know what your district is like but in my district there are a tremendous number of houses where the taxes are paid up but somebody chooses to do absolutely nothing with the property. They just leave it. It deteriorates in many cases. The standards for getting a demolition order are very strict and it's very difficult to do. It has to be a dangerous and unsafe condition. So what this does is say, but we know that abandoned properties, I mean we've seen it in many cases, abandoned properties really have a bad impact on the neighborhood and on property values. So this is, and it's been the law for a few years. The design is to try and get these houses back with somebody living in them."

Fritchey: "I understand that and it's laudable and it would be useful even for a lot of property in my district. And while I realize that it could help certain properties, my concern is that it could hurt some innocent owners. If I own some property and for whatever reason it may be, speculation whatever it is, I just want to take that property and I want to sit on it. It's not a nuisance, it's in fine shape, it's locked up. It doesn't pose a hazard to anyone. I just want to sit on it. I don't want it occupied now maybe it's not up to code for some reason right now and I don't want to do it. I want to wait down the line. But now somebody can bring me to court and I'm

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

going to have to foot the expenses just for the right to do with my property what I will and like I said, 90% at least of what this Bill would do is good, but it's got the potential to hurt some undeserving owners."

Scott: "But that's already there right now. I mean the underlying Bill is already in existence and has been for years and so we're not changing any of that. And I would guess that if there were a lot of horror stories in that regard, those are things that would have surfaced in the committee hearing when we were trying to make the standards a little easier for people to acquire properties."

Fritchey: "All right, given that all you're trying to do is change what's already here I will likely give this my support but I may want to revisit the Bill that's underlying on this at some point in time."

Scott: "I would be more than willing to do that, too."

Fritchey: "Thank you."

Speaker Madigan: "Mr. Pugh."

Pugh: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Pugh: "Representative, can you tell me the motive behind this particular piece of legislation? I have a couple of problems and I don't know if..., can you tell me why you feel the need to have to strike the portion that would have allowed tax delinquent property for tax delinquent property?"

Scott: "Absolutely. This law has been in effect for a lot of years and it is only used sparingly. It's only used in a very limited number of examples. It could be used a lot more and the benefits for it are substantial. As I was talking to Representative Fritchey, in my district there are a tremendous number of properties where the owner pays

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

the taxes on them and does absolutely nothing else with them. He let's them sit. They're abandoned. They're not only a nuisance for the neighborhood. They start to deteriorate. Before municipalities can act on those... that particular house or on that building, they have a very high standard to be able to meet when they go to court. So what happens is, the building deteriorates. It doesn't get used. It has a very detrimental impact on the other houses in the neighborhood. And we'll have houses where there are people who have been living there for 30, 40, 50 years in low-income neighborhoods and because there are a few of these places sitting there dragging down... not only dragging down their property values but also making it difficult for other people to come into the neighborhood. So, the purpose of this Bill which has been around for a while, is to try to stop that by allowing other groups to come in, rehabilitate the property. If the owner wants to then come back and reclaim the property he can do that. He just has to compensate the person for rehabilitating his or her property. And so, the ultimate goal is to have people living in the houses which then builds up the neighborhoods."

Pugh: "So your Bill does not speak to the redemption process. What's the requirement for redeeming the property?"

Scott: "The requirement for redeeming the property would be that the owner comes back, he has up to two years, after the rehabilitation work is done. He has two years to come back and petition the court and ask to reclaim the property. That right is absolute. If the person wants to do that, he can do it. All he has to do is repay the group, whoever rehabilitated his property. He has to pay them back for any cost that they incurred in doing that. There's a

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

formula that's written into the Bill, it takes a lot into account but the bottom line is, it can't be any less than the actual dollars that they've put into the property."

Pugh: "So, how does this mix with the tax reactivation program? Are you familiar with the tax reactivation program? How does this contradict or blend in with the tax reactivation program?"

Scott: "They are actually, they are actually, not contradictory at all. What this does, this is going to allow some properties to get rehabilitated who aren't tax delinquent. So, the tax reactivation program doesn't jive with it at all. I mean, it's a separate deal. So what this does will allow properties that where the person in a minimum in some low-income neighborhoods the taxes may only be a \$100 a year, for example or \$200 a year just to pay those taxes and then do nothing else with the building. This is going to be able to put those houses back, so that folks have some decent, affordable housing to live in in some of these neighborhoods."

Pugh: "So, what happens if..."

Speaker Madigan: "Mr. Pugh, could we bring this discussion to a close, Sir?"

Pugh: "Yes, Sir."

Speaker Madigan: "Thank you."

Pugh: "What happens if HUD owns the property?"

Scott: "If HUD owns the property and the court determines it's a nuisance, the same thing can happen."

Pugh: "So, it has to go to court and be determined a nuisance before it can be acquired."

Scott: "Right, no matter who the owner is."

Pugh: "The court makes the final decision."

Scott: "The court makes the determination that it's a nuisance

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

also makes the determination that it's abandoned and makes the determination of what the rehabilitation plan is. That's the way the law is right now and that wouldn't change."

Pugh: "And the organization that's mentioned is a not-for-profit?"

Scott: "It doesn't have to be."

Pugh: "It can be for profit."

Scott: "It could be for profit or it could be a unit of local government as well."

Pugh: "Thank you."

Speaker Madigan: "Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields?"

Davis, M.: "Representative Scott, I believe as State Legislators that we are truly meddling in everybody else's community when we choose to decide that an organization can come in and take somebody's property because it hasn't been used or the taxes haven't been paid for two years. Now suppose the person who takes this property spends \$50 thousand to do what they perceive to be the standard they want to bring it up to. But that owner who's trying to redeem his property, he doesn't have the \$50 thousand. He didn't have the \$4 thousand to pay the taxes at that time. But the divorce is now final and now I can go back into my house be it the man or the woman. I believe that local control on this issue should remain. I don't believe that every community has these community-based organizations that are even interested in taking over somebody's property. But what your Bill will do is allow me to go into any one of these communities that I don't even reside in and look... and I will be able to look at the tax records and say, 'well

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

look, that's a nice piece of property there', might have been a old farm nobody used for a while and I can take this property under the guise of any community organization. We are overstepping our bounds. We are hurting poor people and we are disrespecting Home Rule. Now in Chicago we have a piece of legislation that allows a tax scavenger that we call them, to purchase the taxes that a person owes on property. And then within a certain period of time that individual can redeem his property and if you spent money on it, that's your problem. The owner may not have the money to pay you back what you spent. So this is just a very unfair thing to do for people who may be struggling to make it, going through a divorce, taking care of a sick mother or father in another state. No."

Speaker Madigan: "Those in favor of the passage of the Bill signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted wish? Have all voted who wish? Have all voted who wish? Have all vote who wish? The Clerk shall take the record. On this question, there are 55 'ayes', and 49 'noes'. Mr. Scott, do you request Postponed Consideration?"

Scott: "Yes, Sir. Thank you."

Speaker Madigan: "This Bill shall be put on the Order of Postponed Consideration. The Chair would direct the attention of the Members to the gold schedule which has been distributed and there are committee meetings tomorrow morning in addition to the Appropriation Committees. So please be advised, that tomorrow morning there will be meetings of the following committees. The Elementary and Secondary Education Committee. Judiciary I. Public Utilities. Executive. Local Government. State

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Government. Human Services. Revenue. Registration and Regulation. In addition, there will be a meeting of the Executive, I think I said that. The intent of the Chair at this time is to move six Bills from different positions on the Calendar. So, Mr. Clerk, on House Bill 183, what is the status of that Bill?"

Clerk Rossi: "House Bill 183, a Bill for an Act to amend the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 994, what is the status of the Bill? (sic-House Bill) 994."

Clerk Rossi: "House Bill 994, a Bill for an Act to amend the Downstate Public Transportation Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 1159. (sic-House Bill) 1159."

Clerk Rossi: "House Bill 1159, a Bill for an Act to amend the Election Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. House Bill 1296."

Clerk Rossi: "House Bill 1296, a Bill for an Act in relation."

Speaker Madigan: "Mr. Clerk, just one second, please. Mr. Clerk, concerning House Bill 1296, what is the status of that Bill?"

Clerk Rossi: "House Bill 1296 is on the Order of Second Reading."

Speaker Madigan: "And are there any Motions?"

Clerk Rossi: "There are no Motions filed."

Speaker Madigan: "Third Reading. Mr. Clerk, House Bill 968.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

What is the status of that Bill?"

Clerk Rossi: "House Bill 968 is on the Order of House Bills,
Third Reading."

Speaker Madigan: "Put that Bill on the Order of Second Reading.
House Bill 1159. What is the status of that Bill?"

Clerk Rossi: "House Bill 1159..."

Speaker Madigan: "Excuse me, Mr. Clerk, (sic-House Bill) 1195."

Clerk Rossi: "House Bill 1195 is on the Order of House Bills,
Third Reading."

Speaker Madigan: "Put that Bill on the Order of Second Reading.
For what purpose does Representative Younge, seek
recognition?"

Younge: "Thank you, Mr. Speaker. I wanted to reaffirm that the
House Appropriation Education Committee will meet at 9:00,
and not 8:00."

Speaker Madigan: "Representative Younge is directing our
attention to the gold schedule which has been announced and
that reads that the Education Appropriation Committee will
meet at 8:00 a.m. and she wishes to advise us that she
plans to convene the meeting at 9:00 a.m., 9:00 a.m..
Thank you, Representative Younge. Is there anything
further to come before the Body. Representative Monique
Davis, you wish to..."

Davis, M.: "Thank you, Mr. Speaker. The Human Services
Appropriations Committee will meet at 9:00 a.m.. tomorrow."

Speaker Madigan: "All right. Please be advised that that
committee will meet at 9:00 a.m. also. Anything further to
come before the Body? Okay. There being nothing further,
Representative Currie, moves that the House stand adjourned
until 12:00 noon tomorrow afternoon. Those in favor say
'aye'; those opposed say 'no'. The 'ayes' have it, the
House does stand adjourned until 12:00 noon tomorrow,

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

allowing perfunctory time for the Clerk."

Clerk Bolin: "First Reading of Senate Bills. Senate Bill 129, offered by Representative Capparelli, a Bill for an Act to amend the Election Code. Senate Bill 285, offered by Representative Davis, a Bill for an Act to amend the Illinois Highway Code. Senate Bill 307, offered by Representative Hartke, a Bill for an Act to amend the Township Code. Senate Bill 460, offered by Representative Davis, a Bill for an Act to amend the Probation and Probation Officers Act. Senate Bill 483, offered by Representative Davis, a Bill for an Act to amend the Private Sewage Disposal Licensing Act. Senate Bill 795, offered by Representative Noland, a Bill for an Act regarding natural resources. Senate Bill 819, offered by Representative Novak, a Bill for an Act to amend the Environmental Protection Act. Senate Bill 897, offered by Representative Brunsvold, a Bill for an Act to amend the Real Estate Licensing Act of 1983. Senate Bill 1019, offered by Representative Cross, a Bill for an Act concerning land transfer."

Clerk Bolin: "Introduction of House Resolutions. House Resolution #95, offered by Representative Slone. House Resolution #96, offered by Representative Scully. House Resolution #97, offered by Representative McAuliffe. House Resolution #98, offered by Representative Tenhouse."

Clerk Bolin: "First Reading of Senate Bills. Senate Bill 299, offered by Representative Novak, a Bill for an Act to amend the Environmental Protection Act.

Clerk Bolin: "First Reading of Senate Bills. Senate Bill 102, offered by Representative Stephens, a Bill for an Act to amend the Illinois Parentage Act of 1984.

Clerk Rossi: "The House Perfunctory Session will come to order.

STATE OF ILLINOIS
90TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

38th Legislative Day

April 9, 1997

Representative Currie from the Chairman from the Committee on Rules to which the following Amendments were referred, action taken on April 19, 1997. Reported the same back with the following recommendations: 'Be adopted' Amendment 2, to House Bill 32. Amendment 2, to House Bill 61. Amendment 1, to House Bill 113. Amendment 2, to House Bill 163. Amendment 1 and 2, to House Bill 182. House Amendment 1, to House Bill 218. Amendment 3, to House Bill 271. Amendment 1, to House Bill 354. Amendment 2 and 3, to House Bill 427. Amendment 2, to House Bill 470. Amendment 1, to House Bill 513. Amendment 1, to House Bill 619. Amendment 2, to House Bill 664. Amendment 1, to House Bill 678. Amendment 1, to House Bill 687. Amendment 1, to House Bill 688. Amendment 1, to House Bill 725. Amendment 2, to House Bill 767. Amendment 2, to House Bill 860. Amendment 1, to House Bill 1030. Amendment 2, to House Bill 1067. Amendment 1, to House Bill 1092. Amendment 2, to House Bill 1115. Amendment 2, to House Bill 1116. Amendment 2, to House Bill 1227. Amendment 1, to House Bill 1254. Amendment 3, to House Bill 1301. Amendment 3, to House Bill 1313. Amendment 1, to House Bill 1346. Amendment 1 and 2, to House Bill 1428. Amendment 1, to House Bill 1485. Amendment 1, to House Bill 1528. Amendment 2, to House Bill 1552. Amendment 1, to House Bill 1561. Amendment 1, to House Bill 1589. Amendment 1, to House Bill 1633. Amendment 1, to House Bill 1678. Amendment 2, to House Bill 1736. Amendment 1, to House Bill 2069. Amendment 2, to House Bill 2107. Amendment 2, to House Bill 2117. There being no further business the House Perfunctory Session will stand adjourned. The House will reconvene in Regular Session tomorrow at 12:00 noon."